courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 13/09/2026

(1959) 03 AP CK 0004

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 14 of 1957

R. Hanumanthappa — APPELLANT

Vs

The Special Officer, Dist. Board, Anantapur and Others — RESPONDENT

Date of Decision : 13-03-1959

Acts Referred:
Constitution of India, 1950 — Article 19(1), 226, 311

Citation : AIR 1960 AP 342 : (1959) 2 LLJ 561

Hon'ble Judges : P. Chandra Reddy, C.J;Srinivasachari, J

Bench : Division Bench

Advocate : K. Narasimham, for the Appellant; 2nd Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

P. Chandra Reddy, C.J.—Three charges were framed against the appellant, who was a teacher employed in one of the schools under the management of the District Board, Anantapur. They are :

1. That contrary to regulation 17 of the Conduct Regulations prescribed for Madras Local Authorities, Officers and servants, he was having connections with the periodical publication "Upa-dhyaya" without obtaining the previous permission of the President, District Board, Anantapur;

2. That the petitioner subscribed a written article under the caption "Letters" in January 1953 to the said periodical without the previous permission of the President, District Board, Anantapur, as required under regulations 18 and 19 of the regulations cited above and that he had criticised the administrative functions of the President and further discussed irrelevant facts and thus proved him-eelf a defiant and insubordinate servant of the local body in the capacity of a teacher; and

3. That he was acting as Secretary to the District Teachers'' Union without permission required in the Proceedings C. Dis. No. 1097 of 1952 dated

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/r-hanumanthappa-appellant-hash-th...

13-2-1952 of the Director of Public Instruction, Madras.

The appellant submitted his explanation and, after taking into account that explanation and observing the necessary formalities, the President of the District Board removed him from service. It is this order that was sought to be quashed by an application under Article 226 of the Constitution. One of the grounds urged before our learned brother Satya-narayana Raju, J., before whom the petition came up for hearing, was that the appellant was not afforded a reasonable opportunity and that was negatived by the learned Judge. He found that sufficient opportunities were afforded to the appellant.

2. That point was not pressed before us. The only contention raised in this appeal by Sri Nara-simham on behalf of the appellant is that it was not necessary for his client fo obtain permission of the authority concerned to become the Secretary of the Teachers'' Association. There is no substance in this submission. The proceedings C. Dis. No. 1097 of 1952 dated 13-2-1952 of the Director of Public Instruction, Madras, require an employee of a Local Board to obtain the previous sanction of the said local authority to become a member or a secretary of the Union.

This order of the Government does not in any way infringe the rights of the employee of a local authority guaranteed under Article 19(1) of the Constitution. That apart, the order of the Local Board cannot be quashed, as it does not fall under Article 311 of the Constitution. The post held by the appellant cannot be said to be a civil post within the meaning of Article 311 of the Constitution.

3. The appeal is dismissed. There will be no order as to costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/r-hanumanthappa-appellant-hash-th…