
(1999) 08 AP CK 0037

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16335 of 1999

S.P.T.R.M. High School

APPELLANT

Vs

Director of School Education and others

RESPONDENT

Date of Decision : 15-08-1999

Acts Referred:

Andhra Pradesh Education Act, 1982 — Section 24, 24(2)

Citation : (1999) 5 ALD 425

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Advocate : Mr. M. Ravindranath Reddy, for the Appellant; Government Pleader for School Education, for the Respondent

Judgement

1. Aggrieved by the inaction on the part of the second respondent in not approving the correspondent ship of the petitioner in place of the erstwhile correspondent Sri R.K.R. Byra, who seems to have resigned consequent on his getting a Government job, the present writ petition is filed.

2. The learned Government Pleader on the basis of the institutions submits that the Management of the School did not forward the resolution adopted by the Managing Committee and also in the letter written by the Correspondent, he sought for transfer of correspondent ship from the erstwhile Correspondent to him, which is not in accordance with the provisions of the Act. Hence, the request of the petitioner was not considered.

3. I find some force in the contention of the learned Government Pleader. u/s 24 of the Andhra Pradesh Education Act, every institution shall have a Managing Committee to manage the affairs of the school and u/s 24(2) of the Act, the Managing Committee shall nominate a person to manage the affairs of the institution, whether called by the name of Secretary, Correspondent or by any other name and intimate such nomination within thirty days thereof to the competent authority.

4. In this case, from the resolution adopted by the management, it is seen that by following the hereditary principle the present correspondent was nominated by the President Smt. T. Lakshmi Saraswati and the nomination was accepted by the Managing Committee. Under the Andhra Pradesh Education Act, there is no provision for transfer of correspondent ship, more so, under the hereditary principle. The Managing Committee is empowered to nominate as and when required a person to manage the affairs of the institution and intimate the same to the competent authority. Hence, the resolution adopted by the Managing Committee is not in accordance with the provisions of the Act. Though there is a long delay on the part of the second respondent in responding to the proposal forwarded by the District Educational Officer, as the proposal submitted by the Managing Committee to the District Educational Officer for forwarding the same to the competent authority, is not in order, I cannot issue any directions to the competent authority to approve the same. However, it is open to the Managing Committee to adopt a proper resolution and forward the same to the competent authority, as the school is running without a correspondent for nearly an year. As and when the proposals are forwarded by the Managing Committee duly enclosing the resolution adopted, the competent authority shall pass appropriate orders within two weeks from the date of receiving such proposals.

5. The writ petition is accordingly disposed of. No costs.