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[3417]

**IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)**

TUESDAY ,THE TWENTY SIXTH DAY OF DECEMBER

PRESENT

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

**THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI
PRATAPA**

IA 1 OF 2023

IN

WRIT PETITION NO: 9669 OF 2022

Between:

1. MANGENA VENKATA NARASIMHA RAO,
S/o.LateVenugopalam, Aged about. 69 years, Occ. Agriculture,
R/o. D.No. 4-94, Lakkavaram (V), MalikipuramMandal, East
Godavari District-533254. Andhra Pradesh.
2. Mangena SatyaGurunadh, S/o.LateSeshagiriRao, Aged about.
64 years, Occ. Agriculture, Rio. D.No. 4-155, Lakkavaram (V),
MalikipuramMandal, East Godavari District-533254. Andhra
Pradesh.
3. Mangena NagabhushanamRao, S/o.LateVenugopalaRao, Aged
about. 66 years, Occ. Agriculture, R/o. D.No. 4-210,
Lakkavaram (V), MalikipuramMandal, East Godavari District-
533254. Andhra Pradesh.
4. MangenaMuralikrishna, S/o.LateVenkataswamiNaidu, Aged
about. 54 years, Occ. Agriculture, R/o. D.No. 4-184,

Lakkavaram (V), MalikipuramMandal, East Godavari District-533254. Andhra Pradesh.

5. MangenaSrirama Surya Kumar, S/o.LateVenkata Naga VenuGopalaRao, Aged about. 45 years, Occ. Agriculture, R/o. D.No.4-166, Lakkavaram (V), MalikipuramMandal, East Godavari District-533254. Andhra Pradesh.
6. MangenaSimhadri, S/o.LateNagabhushanam, Aged about. 59 years, Advocate, R/o. D.No.4-173, Lakkavaram (V), MalikipuramMandal, East Godavari District-533254. Andhra Pradesh.
7. Smt.MupparthiAlivelu Ganga Triveni, W/o.TrinadhChinavenkataNaidu, Aged about. 47 years, Occ. Sarpanch, Moripodu Village, R/o. D.No. 2-132/1, Moripodu, SakinetipalliMandal, East Godavari District-533250. Andhra Pradesh.
8. MupparthiVenkata Reddy Naidu, S/o. Late Mahalakshmi Prasad, Aged about. 64 years, Occ. Retd. Head Master, AFTD High School, R/o. D.No.2-120, Moripodu, SakinetipalliMandal, East Godavari District-533250. Andhra Pradesh.
9. MupparthiMareyya, S/o. Late Nagabhushanam, Aged about. 75 years, Occ. Retd. Head Master, AFTD High School, R/o. D.No.2-113, Moripodu, SakinetipalliMandal, East Godavari District-533250. Andhra Pradesh.
- 10.Yenumula Padma Raju, S/o. Krishna MohanaRao, Aged about. 59 years, Occ. Agriculture, R/o. D.No. 2-168, Moripodu, SakinetipalliMandal, East Godavari District-533250. Andhra Pradesh.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner of College Education, Govt. of Andhra Pradesh Vijayawada, Andhra Pradesh

3. Sri. M.V.N., J.S. and R.V.R. Aided Degree College,
Malkipuram, East Godavari District, Rep. by its Secretary and
Correspondent

..RESPONDENTS

This Court made the following

ORDER: (Per Hon'ble Sri Justice U. Durga Prasad Rao)

In this petition, the petitioners pray to implead them as party respondents in the main writ petition.

2. The respondents 4 to 13 are the writ petitioners in W.P No.9669/2022. They filed the writ petition challenging the G.O.Ms.No.12, Higher Education (CE) Department, dated 29.03.2022 issued by the 1st respondent accepting the request of Correspondent/Management of M.V.N., J.S & R.V.R Degree College, Malkipuram, East Godavari District for surrender of the entire institution along with assets and the existing staff and to accord permission to C.C.E for takeover of the institution and convert the same as Government Educational Institution with certain terms and conditions.

3. The grievance of the writ petitioners in the main writ petition is that they are the hereditary members of Antervedipalem Firka Development Trust, Malkipuram which was formed to cater the educational needs of economically poor and socially disadvantaged people of the region. Initially, a school was constructed on 01.07.1948 on the land donated by Alluru Chandra Raju and his sons and the main building was constructed by Mangena Family. Over the period of time A.F.D.T High School was established and it became Aided Institute. Later A.F.D.T Junior College was established in 1970 and it became Aided Institution in the year 1977 and later M.V.N J.S & R.V.R College of Arts and Science was established in the year 1972 and it became Aided Institute in the year 1978. All the three institutions are located in an extent of Ac.7.68 cents of land with separate buildings and they are adjacent to the main road with play grounds and other infrastructure. The trust was registered under the Societies Registration Act, XXI of 1860 with Society No.113 of 1975. As per the Clause No.(iv) the society contains honorary members, ex-

officio members, donor members hereditary members and life members

4. While so, the Government issued G.O.Ms.No.52, dated 06.04.2021 appointed 8-man Committee to conduct detailed analysis of performance of private aided educational institutions in the recent past. Thereafter, the Government. issued ordinance No.12 of 2021 and subsequently the Government issued G.O.Ms.No.42, dated 10.08.2021 and also G.O.Rt.No.52, through the Higher Education Department, dated 06.04.2021 with a view to take over the private aided educational institutions. Those G.Os are illegal and arbitrary. The Government gave an option to private management to take over the willing private aided degree colleges including minority degree colleges in the State without any financial burden on the ex-chequer. As per G.O.Ms.No.42 the students of such private aided degree colleges whose managements have surrendered their aid are being absorbed in the nearby colleges.

5. While so, basing on the G.O.Ms.No.42, the Executive Committee of A.F.D.T High School, A.F.D.T Junior College and M.V.N, J.S & R.V.R College of Arts and Science held a meeting on 27.08.2021 wherein 12 Executive Members participated and passed a resolution to handover the A.F.D.T High School, A.F.D.T Junior College, M.V.N, J.S & R.V.R College of Arts and Science with infrastructure to the Government along with the respective aided and unaided staff. The said resolution was passed without conducting general body meeting. Therefore, the said resolution was challenged in W.P.No.24207 of 2021 and the same was dismissed as withdrawn giving liberty to the petitioners to approach competent Court. Subsequently, the petitioners filed S.O.P. No.2 of 2022 on the file of Principal District Judge, Rajamahendravaram and the same is pending. The petitioners also filed W.P.No.25243 of 2021 challenging the G.O. Ms.No.42 and 50 and the same is also pending. While the matter are so pending, the Government issued G.O.Ms.No.12, Higher Education (CE) Dept., dated 29.03.2022 accepting the surrender of the subject educational institutions made by

the committee vide its meeting dated 27.08.2021. Hence challenging the G.O. Ms.No.12, the instant writ petition is filed.

6. Be that as it may, the petitioners in I.A No.1 of 2023 who seek to implead them as party respondents are the teaching and non-teaching staff of the subject educational institutions. Their grievance is that the writ petitioners are not the members of the society and they have no *locus standi* to file writ petition and they obtained interim orders in IA No.1 of 2022 and thereby the petitioners are put to much hardship as their absorption by the Respondent State into regular service is effected. Therefore, they pray that they may be impleaded as party respondents in W.P.No.9669 of 2022 for effective adjudication of the matter.

7. Respondents 4 to 13 / writ petitioners filed counter and opposed the implead petition. It is contended that the petitioners filed the implead petition at the behest of 3rd respondent / Management and they being the staff of the institutions, have nothing to do with the *lis* between the writ petitioners and 3rd respondent with regard to the

affairs of the society. The appointments of the petitioners in the posts of grant-in-aid were not in accordance with the procedure contemplated under various G.Os issued by the Government. Most of them are appointed illegally. Further, it is not their case that they are not receiving the salaries in view of the pendency of a writ petition. As they are not concerned with the affairs of the Society, they have no right to be impleaded as party respondents.

8. Heard learned counsel Sri M.R.K Chakravarthi, learned counsel for the petitioners and Sri Polisetti Radha Krishna, learned counsel for respondents Nos.4 to 13. Both the learned counsel reiterated their pleadings in their respective arguments.

9. The point for consideration is whether the impleadment of the proposed respondents will assist the Court in proper adjudication of the writ petition ?

10. **POINT:-** As can be seen, the writ petitioners have challenged the G.O Ms.No.12, issued by the Government accepting the resolution of some of the Executive Members on the ground that no general body

meeting was conducted and consent of the petitioners who are the member trustees was not obtained. Be that as it may, the present petitioners in I.A.No.1 of 2023 are admittedly the teaching and non-teaching staff in the subject institutions. Therefore, their future is at stake by virtue of the ultimate taking over or non-taking over of the subject educational institutions. In that view, their presence, we believe, help this Court to adjudicate the writ petition in a proper manner.

11. Accordingly, this petition is allowed and the petitioners are permitted to be impleaded as respondents 4 to 77 in the main writ petition. The Registry shall amend the cause title in the main writ petition accordingly. The writ petitioners shall file a neat copy of amended writ petition within three weeks. No costs.

U. DURGA PRASAD RAO, J

VENKATA JYOTHIRMAI PRATAPA, J

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26.12.2023

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**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
AND
HON'BLE SMT. JUSTICE VENKATA JYOTHIRMAI
PRATAPA**

**I.A.No.1 of 2023
IN
W.P.No.9669 of 2022**

26th December, 2023

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