

HIGH COURT FOR THE STATE OF TELANGANA :: AT HYDERABAD

Endt. Roc. No. 421/E1/2024

Dated 23-10-2024

"Communicated for information and necessary action"

Eaus
23/10/24
**REGISTRAR GENERAL
FAC. REGISTRAR (VIGILANCE)**

To

1. All Unit Heads in the State of Telangana.
2. The Section Officers, 'B', B. Spl., 'C', D-I (Budget), D-II (Buildings), Special Officer's, W.R.C., O.P. Cell, Vigilance Cell, Recruitment Cell and Computer Section, High Court for the State of Telangana, Hyderabad.

**OFFICE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE:
YADADRI-BHUVANAGIRI.**

Endt.Dis.No. 1857/2024/A1,

Dated: 4 -10-2024.

"Communicated"

G.S. Juvand
**PRL. DISTRICT & SESSIONS JUDGE,
YADADRI-BHUVANAGIRI.**

To

All the Judicial Officers in the Yadadri-Bhuvanagiri District Judiciary.

Smt. E. TIRUMALA DEVI
REGISTRAR GENERAL
FAC. REGISTRAR (VIGILANCE)



HYDERABAD
DT: 23-10-2024

R.O.C. NO. 421/E1/2024

To

All the Unit Heads in the State of Telangana (w.e.)

Sir/Madam,

Sub: Tribunals – Educational Tribunals – Directions of the Hon'ble Apex Court in T.M.A. Pai Vs. State of Karnataka – Constitution of Educational Tribunals in each District of the State of Telangana to settle the disputes between the management and staff of the private educational institutions for redressal of the grievances of teachers – Proposal forwarded by the Government of Telangana to notify the Additional District Judges in ten erstwhile Revenue Districts to enable the teachers to file Appeal before the said Authority, received – Proposal forwarded to Government to notify certain Courts to enable the teachers to file appeal before the said Authority – Orders issued by the Government, received – Forwarded – Reg.

- Ref: 1. Government of Telangana Letter No. 498/TLSP/2024, Dt.10-6-2024.
2. High Court's letter Roc. No. 421/E1/2024, dated 25-6-024.
3. G.O. Rt. No. 192, Higher Education (TE) Department, Dt.15-10-2024

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I am to state that the Hon'ble Apex Court in its orders **dated 31-10-2002 in T.M.A. Pai Vs. State of Karnataka reported in 2003 (6) SCC 697 at Paragraph No. 64**, held as follows:

"64. An educational institution is established only for the purpose of imparting education to the students. In such an institution, it is necessary for all to maintain discipline and abide by the rules and regulations that have been lawfully framed. The teachers are like foster parents who are required to look after, cultivate and guide the students in their pursuit of education. The teachers and the institution exist for the students and not vice versa.

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Enward no - 2626/24
Dt - 25/10/24

Once this principle is kept in mind, it must follow that it becomes imperative for the teaching and other staff of an educational institution to perform their duties properly, and for the benefit of the students. Where allegations of misconduct are made, it is imperative that a disciplinary enquiry is conducted, and that a decision is taken. In the case of a private institution, the relationship between the management and the employees is contractual in nature. A teacher, if the contract so provides, can be proceeded against, and appropriate disciplinary action can be taken if the misconduct of the teacher is proved. Considering the nature of the duties and keeping the principle of natural justice in mind for the purposes of establishing misconduct and taking action thereon, it is imperative that a fair domestic enquiry is conducted. It is only on the basis of the result of the disciplinary enquiry that the management will be entitled to take appropriate action. We see no reason why the management of a private unaided educational institution should seek the consent or approval of any governmental authority before taking any such action. In the ordinary relationship of master and servant, governed by the terms of a contract of employment, anyone who is guilty of breach of the terms can be proceeded against and appropriate relief can be sought. Normally, the aggrieved party would approach a court of law and seek redress. In the case of educational institutions, however, we are of the opinion that requiring a teacher or a member of the staff to go to a civil court for the purpose of seeking redress is not in the interest of general education. Disputes between the management and the staff of educational institutions must be decided speedily, and without the excessive incurring of costs. It would, therefore, be appropriate that an Educational Tribunal be set up in each district in a State, to enable the aggrieved teacher to file an appeal, unless there already exists such an Educational Tribunal in a State — the object being that the teacher should not suffer through the substantial costs that arise because of the location of the Tribunal; if the tribunals are limited in number, they can hold circuit/camp sittings in different districts to achieve this objective. Till a specialized tribunal is set up, the right of filing the appeal would lie before the District Judge or Additional District Judge as notified by the Government. It will not be necessary for the institution to get prior permission or ex-post facto approval of a governmental authority while taking disciplinary action against a teacher or any other employee. The State Government shall determine, in consultation with the High Court, the judicial forum in

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which an aggrieved teacher can file an appeal against the decision of the management concerning disciplinary action or termination of service."

Further, A.P. Private Engineering Colleges, Management's Association, Hyderabad, filed W.P. No. 15381 of 2008 before the Hon'ble High Court, praying for a direction to the Respondents therein to constitute a Tribunal in terms of directions contained in Paragraph 64 of the decision of Hon'ble Supreme Court in T.M.A. Pai Vs. State of Karnataka. In the said Writ Petition, the Hon'ble High Court for the State of Telangana at Hyderabad vide order **dated 6-3-2024** directed the Respondents **"to take a decision in terms of paragraph 64 of the aforesaid decision within a period of three (03) weeks from today."**

In pursuance of the said orders, the Government of Telangana, vide reference 1st cited, requested the High Court to furnish remarks to notify the Additional District Judges in ten erstwhile Revenue Districts, to enable the teachers to file appeal before the said Authority, till specialized Tribunals are set up in the State.

Accordingly, based on the recommendations of the High Court, the Government of Telangana, vide G.O. 3rd cited, issued orders notifying the following Courts **in the erstwhile ten (10) Districts**, having jurisdiction shown in the Column No. (3) of the table below, to enable the teachers to file appeal before the said Authority, till such time, the specialized Tribunals are set up in the State of Telangana:

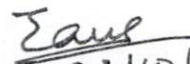
| Sl. No. | Name of the Court and District | Confining the jurisdiction over the Judicial Districts of |
|----------------|---|--|
| (1) | (2) | (3) |
| 1 | Principal District and Sessions Judge's Court, Adilabad | Adilabad, Asifabad-Kumaram Bheem, Nirmal and Mancherial |
| 2 | The Chief Judge, City Civil Court, Hyderabad | Hyderabad |

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|----|--|---|
| 3 | Principal District and Sessions Judge's Court, Karimnagar | Karimnagar, Rajanna-Sircilla, Peddapalli and Jagtial |
| 4 | Principal District and Sessions Judge's Court, Khammam | Khammam and Bhadradi-Kothagudem |
| 5 | Principal District and Sessions Judge's Court, Mahabubnagar | Mahabubnagar, Jogulamba-Gadwal, Nagarkurnool, Naryanpet and Wanaparthy |
| 6 | Principal District and Sessions Judge's Court, Sangareddy | Sangareddy, Medak and Siddipet |
| 7 | Principal District and Sessions Judge's Court, Nalgonda | Nalgonda, Suryapet and Yadadri-Bhuvanagiri |
| 8 | Principal District and Sessions Judge's Court, Nizamabad | Nizamabad and Kamareddy |
| 9 | Principal District and Sessions Judge's Court, Ranga Reddy at L.B. Nagar | Ranga Reddy, Vikarabad and Medchal-Malkajgiri |
| 10 | Principal District and Sessions Judge's Court, Warangal | Warangal, Hanumakonda, Jangaon, Mulugu, Jayashankar-Bhupalpally and Mahabubabad |

While communicating a copy of G.O. Rt. No. 192, Higher Education (TE) Department, Dated 15-10-2024, I am directed to request you to take necessary action at your end.

Yours faithfully,


23/10/24
REGISTRAR GENERAL
REGISTRAR (VIGILANCE)

GOVERNMENT OF TELANGANA
ABSTRACT

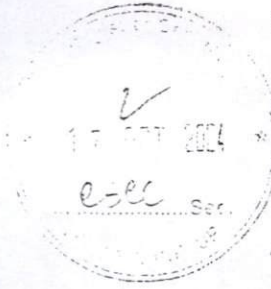
Technical Education - Notify the **Ten(10) District Courts in ten Erstwhile Districts** in the State of Telangana to settle the disputes between the management and staff of the Private Educational Institutions and to enable the staff to file appeal before the said authority, till specialised Tribunals are set up in the State, in pursuance of the orders of the Hon'ble Supreme Court of India, in TMA Pai Vs State of Karnataka - Notification- Orders - Issued.

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HIGHER EDUCATION (TE) DEPARTMENT

G.O.Rt.No.192

Dated.15.10.2024
Read the following;



1. Orders of the Hon'ble Supreme Court of India, dated:31.10.2002 in TMA Pai Vs State of Karnataka in W.P(Civil) No.317 of 1993.
2. From the CTE Lr.No.CTE-ACD1/EPA/1/2024-ACADEMIC-I, dt.07.02.2024 & 11.03.2024.
3. Orders of Hon'ble High Court dt.06.03.2024 in WP No.15381 of 2008 filed by A.P. Private Engineering Colleges Managements Association.
4. From the Registrar General(FAC), Registrar(Vigilance) Lr.No.ROC No.421/E1/2024, dt.25.06.2024.

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ORDER:

The Hon'ble Supreme Court of India in TMA Pai Vs State of Karnataka in W.P(Civil) No.317 of 1993 has given the following directions:-

64. ... In the case of educational institutions, however, we are of the opinion that requiring a teacher or a member of the staff to go to a civil court for the purpose of seeking redress is not in the interest of general education. Disputes between the management and the staff of educational institutions must be decided speedily, and without the excessive incurring of costs. **It would, therefore, be appropriate that an Educational Tribunal be set up in each district in a state, to enable the aggrieved teacher to file an appeal, unless there already exists such an Educational Tribunal in a State - the object being that the teacher should not suffer through the substantial costs that arise because of the location of the Tribunal; if the tribunals are limited in number, they can hold circuit/camp sittings in different districts to achieve this objective. Till a specialized tribunal is set up, the right of filing the appeal would lie before the District Judge or Additional District Judge as notified by the Government.** It will not be necessary for the institution to get prior permission or ex post facto approval, of a Governmental authority while taking disciplinary action against a teacher or any other employee. The State Government shall determine, in consultation with the High Court, the judicial forum in which an aggrieved teacher can file an appeal against the decision of the management concerning disciplinary action or termination of service."

2. The Hon'ble High Court of Telangana in its orders dt.06.03.2024 in WP No.15381 of 2008 filed by A.P. Private Engineering Colleges Managements Association in the orders third read above has directed to the respondent authorities to take a decision in terms of the said paragraph No.64 of the decision of Hon'ble Supreme Court TMA Pai Vs State of Karnataka.

3. Government, after careful examination of the matter and in compliance of the orders of the Hon'ble Supreme Court of India in the first read above and the orders of Hon'ble High Court in the third read above have decided to notify the **Ten(10) District Courts in ten Erstwhile Districts** in the State of Telangana to settle the disputes between the management and staff of the Private Educational

High Court

Institutions and to enable the staff to file appeal before the said authority, till specialised Tribunals are set up in the State and accordingly issue the following Notification which shall be published in Telangana Gazette:-

NOTIFICATION

In exercise of the powers conferred by Sections 79, 80 and 83 read with Section 99 of Telangana Education Act, 1982 (Act No.1 of 1982) and in pursuance of the orders of the Hon'ble Supreme Court of India, dated:31.10.2002 in TMA Pai Vs State of Karnataka the Governor of Telangana hereby notifies the following **Ten(10) District Courts in ten Erstwhile Districts** in the State of Telangana to settle the disputes between the management and staff of the Private Educational Institutions and to enable the staff to file appeal before the said authority, till specialised Tribunals are set up in the State:-

| Sl. No. | Name of the Court and District | Confining the jurisdiction over the Judicial Districts of |
|---------|---|--|
| 1 | Principal District and Sessions Judge's Court, Adilabad | Adilabad, Asifabad-Kumaram Bheem, Nirmal and Mancherial |
| 2 | The Chief Judge, City Civil Court, Hyderabad | Hyderabad |
| 3 | Principal District and Sessions Judge's Court, Karimnagar | Karimnagar, Rajanna-Sircilla, Peddapalli and Jagtial |
| 4 | Principal District and Sessions Judge's Court, Khammam | Khammam and Bhadradi Kothagudem |
| 5 | Principal District and Sessions Judge's Court, Mahabubnagar | Mahabubnagar, Jogulamba-Gadwal, Nagarkurnool, Narayanpet and Wanaparthy |
| 6 | Principal District and Sessions Judge's Court, Sangareddy | Sangareddy, Medak and Siddipet |
| 7 | Principal District and Sessions Judge's Court, Nalgonda | Nalgonda, Suryapet and Yadadri Bhuvangiri |
| 8 | Principal District and Sessions Judge's Court, Nizamabad | Nizamabad and Kamareddy |
| 9 | Principal District and Sessions Judge's Court, Ranga Reddy at L.B.Nagar | Ranga Reddy, Vikarabad and Medchal-Malkajgiri |
| 10 | Principal District and Sessions Judge's Court, Warangal | Warangal, Hanumakonda, Jangaon, Mulugu, Jayashankar-Bhupalpally and Mahabubabad. |

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.VENKATESHAM
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Technical Education, Telangana, Hyderabad.
The Registrar General(FAC), Registrar(Vigilance), High Court, Hyderabad.
The Commissioner of Collegiate Education, Telangana, Hyderabad
The Director of School Education, Telangana, Hyderabad
The Secretary, Telangana Council of Higher Education, Hyderabad
The Secretary, State Board of Technical Education and Training, Hyderabad.
The Secretary, Board of Intermediate Education, Hyderabad.
All the Registrars of all Universities including Private Universities.
The Secretary to Chief Minister.
The P.S. to Principal Secretary to Govt., Education Department,
The Law Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER