

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.38998 OF 2015

DATED 1st DECEMBER, 2015

Between:

The St. George Elementary School,
George Town, Kothavalasa (Mandal),
Vizianagaram District.

.. Petitioner

and

The State of Andhra Pradesh,
School Education Department,
Rep. by its Principal Secretary,
Secretariat Buildings,
Hyderabad, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.38998 OF 2015

ORDER

The challenge in this writ petition is to a show cause notice issued under letter bearing Rc.No.2286/A1/2011 dated 18.11.2015 of the District Educational

Officer, Vizianagaram.

It appears that the petitioner school's recognition ended with the academic year 2010-11 and renewal thereof has been pending consideration for all these years.

Perusal of the show cause notice reflects that the petitioner school had been called upon to submit the relevant documents but failed to do so. In the light of that lapse, the petitioner school was called upon to explain as to why action should not be initiated against it under Section 18 of Act 35 of 2009 for running classes from I to V standard from the academic year 2011-12 onwards without recognition from the competent authority. Having called upon the petitioner school to submit its explanation as regards this aspect, the District Educational Officer also instructed it to close the school immediately, failing which action was threatened as per the rules in vogue.

It is a settled legal position that this Court would not interfere with a show cause notice unless specific grounds are made out warranting such action. No such grounds are either pleaded or proved in the present case. The petitioner school would therefore have to respond to the impugned show cause notice and submit its explanation or produce the relevant documents, as the case may be.

However, having issued a show cause notice in relation to the running of the school from the academic year 2010-11 without the requisite permission, it was not open to the District Educational Officer, Vizianagaram, to order closure of the school abruptly. There is no indication as to what is to happen to the students who have been admitted in the petitioner school and are presently pursuing their education in Classes I to V.

That apart, when the District Educational Officer deemed it appropriate to invite an explanation, it was necessary for him to await the same and take appropriate action in the matter thereafter in accordance with law. Directing closure of the school at this stage was wholly premature and completely unwarranted given the fact that the petitioner school has been allowed to run without recognition since the academic year 2010-11.

The impugned show cause notice is accordingly set aside only to the extent that it directs the petitioner school to close down immediately. The petitioner school

shall respond to the show cause notice within the time stipulated and appropriate action shall thereafter be taken in the matter in accordance with law.

The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

1st DECEMBER, 2015

PGS