

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4061 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Education representing the respondents.

The grievance of the petitioner as ventilated in the writ petition and as contended by the learned counsel for the petitioner is with reference to not according recognition to petitioner's school by the third respondent for classes 6th to 10 for the years 2006-07 till 2015-16. It is not in dispute that since 2008, the recommendations of Deputy Educational Officer, Huzurabad(5th respondent), made to the third respondent for similar recognition are pending and it is evident from the record Exs.P10 to P14 that the third respondent has been issuing a certificate to the petitioner's school that the proposal for grant of E.T.R. to Classes VI to X (E.M.) for the years 1986-87 to 2005-06 are pending consideration with them. Such certificates are given for every year in 2006, 2009, 2011 and 2012. The Under Process Certificate, Ex.P14 dated 16.10.2012 shows that the proposals in respect of the petitioner's school for grant of E.T.R. are pending for Classes VI to X for the years 2006-07 to 2015-16 though they have already been received from the District Educational Officer, Hyderabad, on 20.12.2010. Learned counsel for the petitioner states that though every year the sixth respondent is permitting the X class students of Petitioner's school appearing for SSC examination, only for this year, such a permission is withheld on the ground that recognition certificate is not appended with the nominal rolls submitted by the school to the 4th respondent. The

present writ petition is therefore filed to the extent claiming that even the petitioner's last representation dated 29.12.2014 addressed to the Hon'ble Minister for Home and Labour and forwarded to the Education Minister to the School with the Secondary Education is not being considered by the respondents, particularly, respondent No.3. It is not evident from the record as on today as to whether the third respondent received the said representation.

Learned Government Pleader who has received instructions states that in the absence of recognition, the 6th respondent has not permitted the X class students of the petitioner's school to appear X class examination and the said action of the 6th respondent cannot be found fault with.

In the factual situation as briefly noted above that from 2006 onwards every year the third respondent is issuing the Under Process Certificates on the petitioner's request for grant of recognition and on that basis for this year also the similar Certificate should be issued by the 6th respondent permitting the students of the petitioner's school to appear for the X class examination. However, the 6th respondent has not permitted such course for the present year. The examinations of X class are scheduled to be commenced from 16th March of this year. Hence, now the issue has gained some urgency. While it is true that appropriate orders by the third respondent are required to be passed to the extent of request of the petitioner for grant of recognition, particularly as such requests are pending for the past several years, it is also required to be noted that the fate of the X class students from the petitioner's school cannot remain in

suspended animation and it is just and appropriate that those students who appear for X class examination scheduled from 16th March, 2015.

In the circumstances, the writ petition is disposed of directing the third respondent to take appropriate steps and consider the request of the petitioner for grant of recognition, which is pending before it, in the light of the reports received from respondents 4 and 5 and other attendant circumstances and take a final decision in the matter, preferably, within two months from today and preferably before the next academic year commences. In the meanwhile however the third respondent shall issue a similar certificate as in the last year certifying that the petitioner's application for recognition is under process and the same shall be issued within a week from the date of receipt of a copy of this order. On the basis of such certificate, the 5th respondent shall consider the nominal rolls submitted by the 6th respondent on behalf of petitioner's school together with the examination fee, which is stated to have been paid by the petitioner and issue appropriate orders so as to permit the students of X class of the petitioner's school to take SSC examination scheduled from 16th March of this year. It is however made clear that the recognition of the students who appear for examination of X class permitted as above shall be subject to the orders to be passed by the third respondent.

No order as to costs. Miscellaneous Petitions pending if any in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 02-03-2015

Note:

Issue copy within two days.

B/o.Rns.

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