

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

WRIT PETITION No.38099 OF 2015

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24th NOVEMBER, 2015

Between:

M/s.Sri Chaitanya e-Techno School,

Rep. by its Correspondent M.Sridhar. .. Petitioner

and

The State of Telangana, represented by its

Principal Secretary, Education Department,

Secretariat Buildings,

Hyderabad, and others. .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.38099 OF 2015

ORDER

The grievance of the petitioner school is with regard to the proceedings dated 14.08.2015 passed by the Regional Joint Director of School Education, Hyderabad,

whereby its permission/recognition was withdrawn with immediate effect on the ground that it had produced a fake fire certificate.

Sri T.Rajendra Prasad, learned counsel for the petitioner school, pointed out that the petitioner school was permitted to shift from the premises beside Sudha bank, Suryapet, to a new location in Vidyanagar, Suryapet, Nalgonda District, under proceedings dated 17.07.2014 passed by the Regional Joint Director of School Education, Hyderabad. Learned counsel asserted that neither the show-cause notice said to have been issued to the petitioner school nor the impugned proceedings dated 14.08.2015 were addressed to the new premises to which the petitioner school was shifted but were addressed to the old location.

This aspect of the matter is not controverted by the learned Government Pleader for Education.

In effect, the petitioner school was not given an opportunity of hearing in response to the show-cause notice purportedly issued to it and the final order was passed withdrawing its permission/ recognition practically behind its back.

In that view of the matter, the impugned proceedings dated 14.08.2015 are placed in abeyance and the Regional Joint Director of School Education, Hyderabad, the second respondent, is directed to afford an opportunity of hearing to the petitioner school in the context of the allegations leveled against it under the show-cause notice. A copy of the show-cause notice shall be furnished to the representative of the petitioner school tomorrow and hearing shall be conducted by the second respondent on 28.11.2015. After considering the matter afresh in the context of the defence, if any, put forth by the petitioner school along with supporting documentation, it shall be open to the second respondent to either confirm the impugned proceedings dated 14.08.2015 or modify or cancel the same as deemed appropriate.

Sri T. Rajendra Prasad, learned counsel for the petitioner school, would however submit that the school is presently running though the impugned proceedings were passed as long back as in August, 2015 and that the interest of the school children would suffer if it is made to shut down during the pendency of the hearing as directed by this Court.

However, this Court is conscious that the reason for cancellation of the

petitioner school's permission/recognition was the allegation that it produced a fake fire certificate. If that be so, the safety of the building which houses the school would necessarily have to be examined and only if the same is found to be safe for the children to gather for the purpose of their schooling, the respondent authorities can permit the petitioner school to continue to function pending the exercise as directed by this Court hereinabove.

In that view of the matter, the District Educational Officer, Nalgonda, the third respondent, shall undertake an inspection of the school building along with the fire department authorities within two days from today and if the said building is certified to be safe in terms of any possible fire hazards and if it is found that all safety measures have been taken by the petitioner school, it shall be permitted to continue to function pending the final decision of the Regional Joint Director of School Education, Hyderabad.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

24th NOVEMBER, 2015

PGS