

HON'BLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.16110 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“...declare the impugned order passed by the 2nd respondent vide proceedings L.Dis.No.1903/B23/2013 dated 03.06.2015 cancelling the recognition of the petitioner's school as being illegal, arbitrary and unjust consequently set aside the same.”

2. Heard Smt. Kavitha Gottipati, learned counsel for the petitioner and the learned Government Pleader for Education for respondents.

3. The case of the petitioner is that the petitioner applied for according permission to start Classes I to VII during the year 2013-2014 through the Jagruti Educational Society and the 4th respondent has conducted detailed inspection and submitted his report on 01.05.2013 and after careful examination of the proposals from the Society and also as per the Inspecting Officer's report and also in terms of Government Orders, the 2nd respondent accorded permission to open the school from Classes I to VII during the year 2013-2014 vide Proc.L.Dis.No.3739/ B2/2013 dated 06.06.2013 . While so, basing on the report dated 09.03.2015 submitted by the 3rd respondent, the 2nd respondent has called for the explanation from the petitioner-school. The District Educational Officer-2nd respondent herein vide proceedings Rc.No.1903/B2/2015 issued a notice calling upon the petitioner to show cause as to why the recognition issued to the school should not be withdrawn/cancelled. In response to the show cause notice, the petitioner submitted its explanation on 30.05.2015. Subsequently, the 2nd respondent issued impugned proceedings L.Dis.No.1903/B23/2013 dated 03.06.2015, cancelling the recognition of the petitioner-school. Questioning the validity of the impugned order passed by the 2nd

respondent, cancelling the recognition of the petitioner-school, the present writ petition has been filed.

4. During the course of hearing, a preliminary objection is raised by the learned Government Pleader stating that as against the orders passed by the District Educational Officer-2nd respondent, statutory remedy of appeal is available to the petitioner under Section 89 of the Education Act, 1982, which read as under:

“Section 89 - Appeals:-

Save as otherwise provided in this Act, -

- a. any person aggrieved by an order passed by an officer or authority other than the Director under this Act may, within thirty days from the date of communication of such order, appeal to the Director,
- b. any person aggrieved by an order passed by the Director under this Act other than an order passed by him under Clause (a) may, within sixty days from the date of the communication of such order, appeal to the Government.”

5. According to the above provision of law any person aggrieved by the order passed by the competent authority other than the Director under the Act, may prefer appeal within 30 days from the date of communication of such order to the Director. In the instant case, without availing the statutory remedy available under the Act, the present writ petition has been filed directly before this court. As the alternative and effective remedy of appeal is available to the petitioner under the statute, this court is not inclined to entertain the present writ petition under Article 226 of the Constitution of India.

6. In the above circumstances, the writ petition is dismissed, giving liberty to the petitioner herein to avail alternative remedy of appeal under Section 89 of the Education Act, 1982 against the orders of the District Educational Officer, Ranga Reddy District, which are impugned in the present writ petition, within the time stipulated under Section 89 of the Education Act, 1982. If any such appeal is filed by the petitioner within the time stipulated under the Act, the same shall be considered

A.V.SESHA SAI, J

BSS

134

—

—

W.P.No.16110 of 2015

—

—

—

—

—

—

—

—

1

1

—

10

-
-
-
-
-

Date: 10.06.2015

BSS

