

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.15498 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the action of the respondents in refusing to grant recognition for starting classes from VI to X in favour of the 2nd petitioner institution and the further action of the respondents in returning the proposal of the petitioners by insisting on obtaining the NOC from the Fire Services Department as being illegal, arbitrary unconstitutional and consequently direct the respondents to forthwith pass orders by granting recognition in favour of the 2nd petitioner school for the Classes VI to X and further direct the respondents to grant reasonable for obtaining the NOC from the Fire Services Department.”

Heard Sri P. Pandu Ranga Reddy, learned counsel for the petitioners and learned Government Pleader for Home.

According to the petitioners, first petitioner is a society registered under the provisions of A.P. Societies Registration Act, 2001 and the 2nd petitioner is an institution established by the first petitioner society. The 2nd petitioner was recognized and granted permission for imparting training from classes I to V and the petitioners intend to impart training from classes VI to X. The petitioners approached the Regional Director of School Education and submitted its proposal to the said effect. The Regional Director of School Education in turn forwarded the said proposal to the District Educational Officer and the Deputy Educational Officer and instructed to submit the remarks and compliance.

According to the petitioner, the Deputy Educational Officer and District Educational Officer verified the facilities provided by the petitioners and submitted their report to the Regional Joint Director. The Regional Joint Director, School Education – third respondent herein vide proceedings, dated

18-04-2015 communicated its decision by returning the proposal on the ground that the NOC from the Fire Services Department was lapsed. As a sequel to the same, the District Educational Officer vide communication, dated 29-04-2015 returned the proposals of the petitioners.

According to the petitioners, they applied for renewal of NOC from the fire department as long as back in the month of February, 2015 and paid appropriate fee and the same is still pending for consideration before the Fire Services Department. It is the further case of the petitioners herein that though they have been requesting Fire Services Authorities to grant NOC, the Fire Services Authorities kept on assuring the petitioners that the NOC would be issued within a short span of time. It is further averred in the writ affidavit that as there is no response from the Fire Services Department with regard to the NOC they approached the Regional Joint Director, School Education and requested to grant three months time for enabling the petitioners to obtain NOC from the Fire Services Department and further requested the Regional Joint Director to grant recognition to the Classes 6 to 10 in the meanwhile.

The grievance of the petitioners herein is that the academic year for the school would be commencing from June, 2015 and there is a threat of losing one academic year in spite of having all infrastructural facilities. During the course of hearing learned counsel for the petitioners has placed on an order passed by this Court in W.P.No.4310 of 2015, dated 25-02-2015, wherein this Court granted time for complying with the identical deficiency and the same is not disputed by the learned Government Pleader.

Keeping in view the nature of controversy and in the facts and circumstances of the case, the writ petition is disposed of directing the respondents herein to consider the request of the petitioners herein by taking an undertaking from the petitioners that they would comply with the deficiency pointed out in the impugned order, dated 29-04-2015 within a period of two (2) months from today. In the event of failure on the part of the petitioners to comply with the said condition it shall be open for the respondents to take appropriate action.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

June 04, 2015

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