

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

WRIT PETITION No.23785 OF 2015

ORDER:

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

“to issue an appropriate writ, order or direction and more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in withdrawing the Renewal of Provisional Affiliation to the petitioner Institutions for the academic year 2014-2015 vide Proceedings Rc.No.159/N1-3/D.Ed/SCERT/2014-1, dated 10.04.2015 on the ground that the petitioner institutions have submitted the No Objection Certificate from the Fire Department on the name of their Educational Society not on the name of institutions as being illegal, arbitrary, unconstitutional and contrary to the law and liable to be set aside, consequently direct the respondents to grant renewal of Provisional Affiliation to the petitioner Institutions for the academic year 2014-2015, and pass such order or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri S.A.K.Mynuddin, learned counsel for the petitioner and learned Government Pleader for Education for the respondents.

3. According to the pleadings available on record, the petitioners institutions are imparting training in D.Ed. Course after obtaining recognition by the National Council for Teacher Education (NCTE). Earlier, petitioners herein filed W.P.No.4310 of 2015, before this court, questioning the action of the respondents in not extending the affiliation and this court by way of order dated 25.02.2015, disposed of the said writ petition and the operative portion of Para No.4 of the said judgment reads as under:

“4. Evidently therefore, there is no reason why the petitioners could not comply with the requirements as notified by the Commissioner and Director of School Education. Though the petitioners had sought four months time, which is a

longer period, it would be in the interest of justice to extend the time to comply with all the requirements including fire safety measures by petitioners 2 to 9 up to 31.03.2015 subject to an undertaking to be filed to that effect by each of petitioners 2 to 9 Colleges before the Director of School Education- respondent No.2. On filing of such undertaking, the Director of School Education shall permit petitioners 2 to 9 to participate in SW-II counseling. It is, however, open for the Director of School Education to specify in that order itself that the temporary provisional affiliation granted in pursuance of this order shall be withdrawn by him in the event of petitioners 2 to 9 failing to comply with the deficiencies on or before 31.03.2015 and filing a compliance report before him.”

4. Subsequently, the petitioners herein submitted No Objection Certificates issued by the Fire Department. The 2nd respondent- Commissioner and Director of School Education, vide proceedings Rc.No.159/N1-3/Ded/scert/2014-1, dated 10.04.2015, withdrew the affiliation granted to the petitioners institutions on the ground that the petitioners submitted No Objection Certificate from the District Fire Officer concerned in the name of the Society and College of Education respectively, instead of obtaining No Objection Certificate in the name of D.Ed. course.

5. The case of the petitioners herein is that, on an application filed by the petitioners, the District Fire Officer, Greater Hyderabad Municipal Corporation (GHMC), Hyderabad, has given a clarification stating that the Fire No Objection Certificate can be issued to the entire building and not in the name of different Educational/Training Courses being run in different parts of the building.

6. Admittedly, the said clarification issued by the District Fire Officer, GHMC, Hyderabad, was not placed before the 2nd respondent at the time of passing the impugned order. In the facts and circumstances of the case and taking into consideration the nature of controversy, this court is of the considered opinion that the interest of justice would be met, if permission is granted to petitioners herein to

submit the said clarification issued by District Fire Officer, Fire Prevention Wing, GHMC, Hyderabad, before the 2nd respondent herein for fresh consideration of the issue.

7. For the aforesaid reasons, writ petition is disposed of, permitting the petitioners herein to place the clarification issued by the District Fire Officer, Fire Prevention Wing, GHMC, Hyderabad, before the 2nd respondent herein, within a period of one week from the date of receipt of this order and if the same is furnished within the stipulated time, the 2nd respondent herein shall consider the same and pass appropriate orders within one week thereafter after giving notice and opportunity of hearing to the petitioner herein.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

06th August, 2015

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