

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

**WEDNESDAY THE TWENTYFOURTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE A.V. SESHASAI

WRIT PETITION NO. 18528 OF 2015

Between:

Ravindra Bharathi School
Nayanagar, Kodad,
Nalgonda district,
Represented by its Zonal Incharge
R.Babu Rao s/o late Sri Ramulu
Age 42 years Occ. Zonal Incharge
O/o. NTS No. 159/A, Ward Block No.3
Opp. Co-operative Bank,
Nayanagar, Kodad,
Nalgonda district. ... Petitioner

V/s.

State of Telangana
Represented by its Secretary
School Education Department,
Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioners : Sri A.Kranti Kumar Reddy

Counsel for the Respondents : Sri R.A. Abhishek Reddy
Sri Deepak

The court made the following : [order follows]

HONOURABLE SRI JUSTICE A.V. SESHASAI

WRIT PETITION NO. 18528 OF 2015

ORDER:

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

to declare the action of third respondent in passing the impugned order vide Proceedings RC.No. 242/A6/A4/A5/2014, dated 12/06/2015 without putting the petitioner-society on notice, as being arbitrary, illegal and violative of principles of natural justice and Article 14, 21 and 19 [g] of the Constitution of India and consequently to set aside the same and to pass such other suitable order as this court may deem fit and proper in the circumstances of the case.

2. Heard Sri A. Kranti Kumar Reddy, learned counsel for petitioner and learned Government Pleader for School Education for the respondents.

3. The sum and substance of the case in the present writ petition is that the Regional Joint Director of School Education,

Hyderabad by virtue of Proceedings RC.No. 242/A6/A4/A5/2014, dated 12/06/2015 had withdrawn the recognition of the petitioner-school in violation of the principles of natural justice and in contravention of Rule 11 of the AP Educational Institutions [Establishment, Recognition, Administration and Control of Schools under Private Managements] Rules, 1993 as notified in G.O.Ms.No. 1, Education P.S.2 dated 01/01/1994.

4. When the matter is taken up, a preliminary objection is raised by the learned Government with regard to the maintainability of the writ petition and also for invoking Article 226 of the Constitution in view of availability of alternative remedy of statutory appeal against the impugned order to the Director.

Section 89 of the A.P. Education Act, 1982 reads as under:

89. Appeals:- Save as other wise 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.

Explanation:- For purposes of this section and section 92, the expression "Director" includes the Additional Director or Joint Director when he

exercises the powers of the Director under this Act.

5. According to the above provision of law any person aggrieved by any order of Officer or authority other than Director within thirty days from the date of communication of the order, may appeal to the Director.

6. In the instant case, before filing the present writ petition the petitioner herein had not availed such efficacious remedy before the Director. In view of the above, this court is inclined to relegate the petitioner for such alternative remedy before the Director.

7. For the aforesaid reason and having regard to the nature of controversy, the writ petition is disposed of, permitting the petitioner herein to file appeal against the impugned order passed by the Regional Director of School Education, Hyderabad, vide Proceedings RC.No.242/A6/A4/A5/2014, dated 12/06/2015 within the statutory period as specified in section 89 of the Education Act. If such appeal is filed, the same shall be considered and appropriate orders be passed in accordance with law, within a period of one month from the date of filing of appeal. However, in the facts and circumstances of the case, pending filing of the

appeal within the time stipulated by the statute, the respondents shall not take any coercive action pursuant to the impugned order.

8. With the above direction, the writ petition is disposed of at the stage of admission. No costs.

9. As a sequel, Miscellaneous Petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHASAI

24/06/2015
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HONOURABLE SRI JUSTICE A.V. SESHASAI

WRIT PETITION NO. 18528 OF 2015

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