

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

P.I.L No. 230 OF 2015

29-10-2015

Between:

Reddygari Narsimha Reddy,
Shankarpally, Ranga Reddy District.

... Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Education Department,
Telangana Secretariat Buildings,
Hyderabad, and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
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P.I.L No. 230 OF 2015

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner.

Smt. Vani Reddy, learned Government Pleader for Education appears for respondent No.1, Sri D.L. Pandu, learned Standing Counsel for Telangana State Board of Intermediate Education (TSBIE) appears for respondent Nos.2 and 3 and Sri Challa Ajay Kumar, learned counsel holding for Sri T. Rajendra Prasad, Advocate on record appears for respondent Nos.4 and 5.

The petitioner in the instant PIL seeks the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus directing respondents 1 to 3 to take necessary action against the Respondents 4 & 5 to identify the unsafe, unauthorized, illegal and unrecognized private tutorials/private colleges being operated by the Respondents 4 & 5. I also pray for a mandamus directing the respondents 1 to 3 to take immediate action including action by way of closure of all such unauthorized and unrecognized private tutorials/private colleges being run from unsafe buildings which do not conform to the minimum requirement stipulated for establishing the colleges under the provisions of the A.P. Education Act, 1982 and also further direct the Respondents 1 to 3 to take necessary penal action against the respondents 4 & 5 for functioning their private tutorials/private colleges in such unauthorized and illegal manner by furnishing the false information to the Authorities and also forging and fabricating the Registration Certificate, by directing the official respondents 1 to 3 to weed out the false pretences, illegalities and cobwebs in the colleges run by the respondents 4 & 5 unauthorisedly, and pass such other order or orders as this Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.”

Sri D.L. Pandu, learned counsel appearing for respondent Nos.2 and 3 at the outset invited our attention to the show cause notice dated 10.10.2015 issued by the Secretary, TSBIE, against respondent Nos.4 and 5 asking them to show cause as to why suitable action should not be taken against them for violating Rule 14(3) of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987 (for short 'the Rules'). On instructions, he submits that respondent No.2 will withdraw the said show cause notice (10.10.2015) and issue fresh show cause notice calling upon respondent Nos.4 and 5 as to why an action as contemplated under sub-rule 3 of Rule 11 of the Rules shall not be taken for having violated several terms and conditions including Rule 14(3) of the Rules. His statement is accepted.

We have perused the petition and other material placed before us. The petitioner has alleged several breaches committed by respondent Nos.4 and 5 of the Rules.

It is open to respondent No.2 to issue fresh show cause notice, as aforementioned, within four weeks from today. We hope and trust that the concerned authority while issuing fresh show cause notice shall take into consideration the petitioner's allegations and breaches of terms and conditions including Rule 14(3) of the Rules; if any, allegedly committed by respondent Nos.4 and 5. It is also open to the petitioner to seek hearing before the concerned authority at the stage of deciding the show cause notice.

Learned counsel for respondent Nos.4 and 5 has no objection for allowing the petitioner to intervene. His statement is recorded and accepted.

With these observations, the PIL is disposed of. All contentions of the parties are kept open. While passing this order, we shall not be understood to have expressed any opinion on merits of the case.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

29-10-2015

Note: Issue CC within a week.

B/o

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