

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2852 of 2007

ORDER:

This writ petition was filed challenging the proceedings of the third respondent dated 08.12.2006 withdrawing the recognition of the first petitioner – school in view of the allegations leveled against the second petitioner. Though the second petitioner preferred an appeal to the second respondent, the order of the third respondent was confirmed in the appeal, by order dated 25.01.2007, and hence the same was also challenged in the present writ petition.

2. The first petitioner – school was established by the second petitioner in the year 1950 and necessary recognition for the school was granted on 18.12.1951 along with grant-in-aid for two posts. The second petitioner was the Headmaster and Correspondent of the school, but he retired from service in the year 1989. However, he continued as Correspondent of the school as the recognition of the school continued. The school was being continued with two Teachers including Headmaster. It appears that one of the Teachers shifted the school and students to another premises without the permission of the second petitioner and it resulted in filing of this writ petition.

3. It is not necessary to narrate the events that have happened subsequently resulting in withdrawal of the recognition in view of the fact that the second petitioner expired on 27.11.2012. After his expiry, the Headmistress of the school submitted a representation on 05.12.2012 to the authorities for appointment of a Special Officer to run the school as the school is being run by virtue of the interim orders granted by this Court in the present writ petition. The Mandal Educational Officer, Atreyapuram was appointed as Special Officer by proceedings of the third respondent dated 15.12.2012. The Special Officer, in her inspection on 22.06.2015, noticed that there was only one student with three

teachers. In those circumstances, she submitted a report on 25.06.2015 to the third respondent and he issued orders on 22.08.2015 to adjust one student in the nearby school and instructed to submit the proposals for adjustment of the three teachers in the needy schools. Accordingly, the student was admitted in the nearby school and the teachers were adjusted in the needy schools. Thus, as on today, there are neither students nor teachers in the school and as stated above, the Correspondent expired on 27.11.2012. However, the daughter-in-law of the second petitioner filed an application seeking to implead her in the present writ petition and the same was ordered on 16.02.2016 and she was added as the third petitioner. But, in view of the above facts and circumstances, the withdrawal of the recognition cannot be examined in the absence of any student and teacher.

4. The additional counter-affidavit filed by the second respondent on 15.03.2016 shows that there was no representation from any one including the third respondent, who is now impleaded, for being appointed as Correspondent. Hence, the impleadment of the third respondent does not save the situation and cannot entitle her to challenge the impugned order and hence the writ petition has become infructuous. However, if the third respondent is interested in opening and running the school, she is at liberty to make an application to the concerned authorities in accordance with law and the authorities shall consider and dispose of the same. But, this cannot be construed as allowing the first petitioner to be run by the third petitioner.

5. The writ petition is accordingly dismissed as infructuous. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 31.03.2016

TJMR