

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

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Writ Appeal No. 1074 of 2015

Date:19.1.2016

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Between:

Miss. K. Sahasra Reddy,
D/o. K. Veera Raghava Reddy,
Represented by her natural guardian,
K.Veeraraghava Reddy,
Shaikpet,
Hyderabad.

Appellant

And

The State of Telangana,
Represented by its Principal Secretary,
Department of School Education,
Hyderabad and others.

... Respondents

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

This writ appeal, by the party-in-person, is directed against the order dated 19.11.2015 passed by the learned Single Judge in Writ Petition No. 17259 of 2015, which reads thus:

“Sri L. Venkateshwara Rao, learned counsel appearing for the School, states that the school has no objection to releasing the progress report of the petitioner in so far as her second class performance is concerned and permitting her to take to re-test, if necessary.

Learned counsel further states that no steps would be taken to expel the student or pressurize the parents to remove her from the school. Depending upon the re-examination result, if any, the school shall promote the petitioner to the third class during the next academic year.”

We have heard the appellant-in-person. He filed the writ petition on behalf of his minor daughter for the following relief:

“Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondent Nos. 4 and 5 in not releasing the Progress Report of the petitioner Miss. K. Sahasra Reddy studied 2nd class for the academic year 2014-15 and not allowing into

promoted 3rd class upon the stake of withdrawal of police complaint against them lodged before the 6th respondent on 26.3.2014 as illegal, arbitrary and gross violation of abuse of child and her basic right of education as guaranteed under the Constitution of India and under Right to Education.”

The respondents have filed counter affidavit. Paragraphs 8 and 9 are relevant, which read thus:

“It is respectfully submitted that it never is the policy of the school to harass much less detain any parents or their wards as is being wildly alleged by the parents of the child. Our school has always endeavoured to improve the standards of all children by providing them Continuous Comprehensive Evaluation (for short ‘CCE’) as per norms prescribed by the Central Board of Secondary Education (‘CBSE’ for short). In the present instance, as the performance of the child was below par, it was suggested that a re-test may be held to help the child to improve her performance so that she can better cope with the studies in 3rd class. Instead of taking the suggestions made by the staff of the school in the right spirit, the parents have dragged the school and its staff to the police station and also filed writ petitions before this Hon’ble Court besides lodging a complaint against them under the Consumer Protection Act. In view of wild and baseless allegations made by the parents and their continuous efforts to drag the teachers to police station on frivolous and trumped charges, the school staff are demoralized and are afraid to have the child in the class. Though the School management would like to take a positive view of the entire episode and would like the child to continue her studies, the fact remains that out of four Formative Assignments and two Term Exams for the academic year 2015-16 as prescribed by the CBSE, three Formative Assignments and one Term Exam are already over and the fourth Formative Assignment is scheduled to be held in the first week of January, 2016. As the CBSE insists on continuous evaluation of students in respect of reading, writing and activities such as project work, the child would be at a distinct disadvantage if the parents insist on admitting her in the 3rd class at this belated stage.

Under these circumstances, the School management has reviewed the entire case and has come out with two options for consideration of the parents of the child. Under Option-I, the School is willing to grant re-admission to the child in 3rd class for the Academic Year 2016-17 provided the parents pay the requisite fees as prescribed by the School and the child takes a re-test for class-II at the end of Academic year 2015-16. Under Option-II, the School management is willing to grant admission to the child in 4th Class for the Academic Year 2016-17 provided the child has pursued her 3rd class studies in some other school and the parents produce report card to that effect and further the parents are willing to pay school fees as prescribed for IV class students. Further, the parents should forthwith withdraw all the cases filed against the School management and its teachers as pendency of such cases would not be conducive for good relations between the School and the parents.”

We are informed that the writ petition is still pending. Keeping in view the averments made in the counter affidavit and the nature of order challenged in the instant appeal, we find no reason to interfere with the same. As a matter of fact, in our opinion, the order, impugned in the appeal, is not adverse to the appellant.

Hence, we dismiss the writ appeal.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

19th January, 2016

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