

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
WRIT PETITION No.22715 of 2016

ORDER:

The petitioner claims to be a tutorial institution functioning in and around Visakhapatnam city. It is stated that they impart only informal tutorial education and not regular course of study. The State of Andhra Pradesh framed A.P. Tutorial Institutions (Registration and Regulation) Rules 1997, in exercise of powers under Section 32 read with Section 99 of the A.P. Education Act, 1982, providing rules for registration and regulation of tutorial institutions. The petitioner contends that though the rules were framed, the activity of registration is not being undertaken by the Government and that they are prepared to obtain registration as and when the respondents take steps in this regard. The grievance of the petitioner is that the respondents are preventing them from functioning, on the strength of the order passed by this Court in W.P.No.11007 of 2009 and batch dated 07.09.2009.

Heard learned counsel for the petitioner and learned Government Pleader for School Education.

The establishment of tutorial institutions is not prohibited under law. On the other hand, the Government framed rules for registration and regulation of such institutions. The order passed by this Court in W.P.No.11007 of 2009 and batch is in respect of unrecognized schools. Firstly, the petitioner did not answer the description of schools. Secondly, even assuming that the petitioner is indulging in any activity contrary to law, they can be proceeded against, only after issuance of show cause notice. No such steps were taken.

Hence, the writ petition is allowed and the respondents are directed not to interfere with the activity of imparting informal tutorial education by the petitioner. It shall however, be open to them to issue notice and take further action in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

13.07.2016
vnb