

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.13864 of 2012

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Education (A.P) for respondents 1 to 3 and the learned counsel for respondent No.4.

2. The petitioner institution was established for running a school in the year 2000. Since required strength of the students was not there, the application for recognition could be made only on 16.10.2008. However, the said application was returned to rectify certain deficiencies basing on the inspection report submitted by the Deputy Educational Officer, Krishna at Machilipatnam. The fourth respondent, who is a neighbour in the locality and others filed W.P.No.3017 of 2010 asking the respondents to act upon the report submitted by the Assistant Director in the office of the District Educational Officer, Krishna at Machilipatnam and the enquiry report submitted by the third respondent. The petitioner herein was made fourth respondent in the said writ petition.

3. This Court, by order dated 11.02.2010, without issuing any notice to the petitioner herein, disposed of the said writ petition directing the second respondent to initiate necessary action on the basis of the report, but the said action shall be taken only after putting the petitioners therein as well as the fourth respondent (petitioner herein) on notice. Pursuant to the disposal of the said writ petition, the second respondent issued a notice on 21.09.2009 directing the petitioner to close down the school, failing which, criminal action would be initiated. After receipt of the said notice, the petitioner filed Rev.WPMP.No.31679 of 2010 in W.P.No.3017 of 2010 seeking to review the order dated 11.02.2010 in W.P.No.3017 of 2010 and it is pending. When the said interference was there, the present writ petition was filed seeking a direction to respondents 2 and 3

not to interfere with the activities of the petitioner institution orally directing to close the institution by filing criminal cases against the petitioner.

4. This Court, by order dated 12.05.2012 while issuing notice before admission, directed the respondents not to interfere with the functioning of the petitioner institution without following due process of law. On 09.02.2016, the matter was directed to be listed along with W.P.No.3017 of 2010 without noticing that the said writ petition was already disposed of by that time. However, the learned counsel for the petitioner submits that the review application i.e., Rev.WPMP.No.31679 of 2010 filed in WP.No.3017 of 2010 is pending.

5. In view of the interim order passed by this Court, this Court feels that no purpose would be served by continuing the writ petition, and making the interim order dated 12.05.2012 as a final order, this writ petition is disposed of directing the respondents not to interfere with the functioning of the petitioner institution orally without following due process of law. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 10.03.2016

TJMR