

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.24932 OF 2016

ORDER :

Heard counsel for the petitioner, Sri C.V.Mohan Reddy, Senior Counsel, appearing for Sri S.Nageswara Reddy, Counsel for the petitioner, and the Government Pleader for Education appearing for the respondents.

2. Petitioner is an Association of private schools including Minority Educational Institutions. They assail the final show cause notices given to the members of the petitioner-Association threatening to initiate criminal proceedings against the members of the petitioner-Association for the alleged violation of the provisions of The Right of Children to Free and Compulsory Education Act, 2009 read with certain provisions of the A.P. Education Act, 1982.

3. Counsel for the petitioner contends that the impugned final show cause notice issued to each of the members of the petitioner-Association is not preceded by any prior notice indicating specifically what violation each of the members of the petitioner-Association are guilty of; that in spite of the same, a representation had been given by each of the members of the petitioner-Association enclosing copies of the orders of the recognition/permission possessed by them; and without application of mind, the respondents 3 to 12 have issued final show cause notices to the members of the petitioner-Association on 31.05.2016. He pointed out that in the said final show cause notice, the respondents 3 to 12 have not bothered to indicate whether they want the petitioner-Association to seek permission/up-gradation for primary/kinder garden/play school/ primary/upper primary/high school; and therefore the action of the respondents 3 to 12 is arbitrary.

4. The Government Pleader for Education appearing for the respondents states that she would advise the respondents 3 to 12 to withdraw the final show causes notices issued to the members of the petitioner-Association and to issue a fresh show cause notice to each of the members of the petitioner-Association stating specifically what the allegation against the each of them is, so as to enable them to file a suitable reply with supporting documents and thereafter the respondents 3 to 12 will pass appropriate orders after considering the explanation of the members of the petitioner-Association.

5. In view of this submission, the respondents 3 to 12 are directed to withdraw the impugned final show cause notices issued by them to the members of the petitioner-Association on 31.05.2016. However, liberty is given to respondents 3 to 12 to issue fresh show cause notice to each of the members of the petitioner-Association stating specifically in respect of each such institution, the violations alleged against them. In such event, the members of the petitioner-Association shall file their explanation to the said show cause within four (04) weeks from of receipt of such show cause notice and thereafter the respondents 3 to 12 shall pass appropriate orders after considering the explanation submitted thereto by the members of the petitioner-Association and communicate their decision thereon to each of the members of the petitioner-Association.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

05th August, 2016.
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