

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.1007 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent Act, is preferred against the order passed by the learned Single Judge in WP.No.5287 of 2015 dated 09.12.2015. The appellant herein filed WP.No.5287 of 2015 to declare the action of the respondents in issuing proceedings dated 23.02.2015 as arbitrary and illegal. They also filed WP.No.14137 of 2015 to declare the proceedings dated 22.04.2015, directing closure of the petitioner's school, as arbitrary and illegal.

By proceedings dated 23.02.2015, the Deputy Inspector of Schools, Hyderabad instructed the appellant herein to close the school immediately. The said order records that, by proceedings dated 30.11.2013, all the Deputy Educational Officers and Deputy Inspectors of Schools, Hyderabad were directed to conduct first round special campaign of collection of applications along with penalty of Rs.5,000/- under Section 18 of the RTE Act, 2009; even after issuance of several notices, the appellant had not submitted an application and was running the school without permission/recognition; and the appellant had, thereby, violated the provisions of the RTE Act. Even prior thereto, by proceedings dated 27.09.2014, the District Educational Officer informed the appellant that registration of the Society had been suspended by the High Court in WPMP.No.13225 of 2011 in WP.No.10753 of 2011 dated 19.04.2011; it is this Society which was managing the

appellant-school; the Society had submitted the same registration copy, along with the bye-laws, obtained by suppressing the factual status to the department; this amounted to fraud; and, in such circumstances, the temporary permission orders issued to the appellant for the year 2014-15 was liable to be cancelled with immediate effect.

In the order under appeal, the learned Single Judge took note of the proceedings of the District Educational Officer dated 20.11.2015, whereby the temporary permission issued for the year 2014-15 was cancelled. The learned Single Judge held that temporary permission was granted only for the year 2014-15; the order granting temporary permission did not indicate that the permission to run the institution, for the year 2014-15, was subject to renewal from year to year; and, in view of the order passed by the District Educational Officer on 20.11.2015, there were no merits in the Writ Petition.

It is not in dispute that permission of the competent authority is required to run a school. The appellant herein was granted temporary permission for the academic year 2014-15. It is not even the appellant's case that the temporary permission, granted for the year 2014-15, was renewed for the subsequent years. As the appellant does not even have temporary permission to run the school for the present academic year 2016-17, the learned Single Judge has rightly refused to interfere with the orders impugned in the Writ Petition and to grant the relief. We find no error in the order of the learned Single Judge necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

14th October 2016
RRB

