

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

PUBLIC INTEREST LITIGATION No.350 of 2015

Date:14.3.2016

Between:

Mohammed Azam S/o Late Shaik Imam
R/o H No. 10-5-310/3,
Ahmed Nagar, masab Tank,
Hyderabad

..... Petitioner

and

The State of Telangana
Rep by its Principal Secretary,
Education Department,
Secretariat, Hyderabad and others.

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

This PIL is filed praying to grant following relief:

“Hon’ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent authorities in not taking any action against the management of the 11th respondent school who have established the school other than the place where the recognition is accorded apart from inadequate facilities, extraction of amount etc., in spite of the repeated requests made by the petitioner, as being illegal, arbitrary and unjust and to pass such other order or orders”

2. Petitioner herein is father of child studying in Spring Field School, located at Masab Tank, Hyderabad/11th respondent. The child was admitted to school in the year 2013. In this petition, petitioner alleges that no adequate facilities are provided to students in the school; there are no trained teachers and the school is not following the norms formulated by the Government. Petitioner further alleges that the management is collecting huge amounts contrary to the fee determined by the Government. Petitioner further alleges that when petitioner filed applications under the Right to information Act, 2005 to elicit information, as a counter blast, petitioner’s son was rusticated but however was taken back and continued to study in the school. The 11th respondent has not located the school in the premises where 6th respondent granted provisional recognition vide his proceedings dated 30.3.2008 and on that ground itself, the school ought to have been closed. In spite of having knowledge regarding wrong location of the school, no action is taken and the information elicited by the petitioner under Right to Information Act, 2005 was not furnished. His complaints were not answered. He further alleges that 11th respondent granted recognition only for primary school and not for upper primary school.

3. This petition is filed as Public Interest Litigation, whereas, averments and the documents filed along with the petition would disclose that there is a dispute between petitioner as a parent of the child studying in the 11th respondent school and the management of 11th respondent school. On the one hand, petitioner alleges that 11th respondent school is indifferent to attend to the provision of basic facilities to the students prosecuting education in the schools, whereas, management of the 11th respondent school

complaints to various authorities that petitioner is indulging in false propaganda against the school management and interfering with the administration of the school. While petitioner alleges that 11th respondent school management has charged exorbitant fee, the school management alleges that in spite of granting concession in charging the fee from the petitioner, petitioner still complaining and wanted complete exemption in payment of the fee.

7. Having regard to this factual background, the petition in the present form, cannot be entertained. Public Interest Litigation per-se, is intended to project issues of larger public interest which would impact the public at large as against the individual interest of a person. The petitioner is parent of son studying in the 11th respondent school, petitioner and management of the school have serious dispute on various issues. Thus, it cannot be said that petitioner do not have personal interest in the cause he seek to espouse in this petition. Thus, we see no merit in the Public Interest Litigation, it is accordingly dismissed. However, it is open to petitioner to work out remedies as available in law.

8. This Court by order dated 22.2.2016 directed depositing of an amount of Rs.10,000/- by the petitioner. The said amount is forfeited and Registrar Judicial, is directed to deposit the said amount to the Account of High Court Legal Services Committee.

Miscellaneous petitions if any pending shall stand closed.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date:14.3.2016
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(Per the Hon'ble Sri Justice P.Naveen Rao)

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