

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.7106 of 2016

Between:

S.R.Tagore Convent School

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
School Education Department, Secretariat,
Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 04.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.7106 of 2016

ORDER:

The petitioner is a Convent School, by name Sri Ravindranath Tagore Convent Primary School, imparting education for classes 1 to 7. The President and Correspondent of the petitioner filed this Writ Petition. When the recognition of the school was about to expire, the petitioner submitted a representation pursuant to which, the recognition was extended for a period of ten years from 2007-2008 to 2017-2018 by proceedings dated 10.11.2008. While so, a show cause notice was issued on 28.08.2004 to shift the school building to another suitable

accommodation. The petitioner submitted his explanation. On the basis of the explanation, a report was called from the Inspecting Officer. After perusing the report, the recognition was extended as aforesaid. Again another show cause notice was issued on 16.10.2015 asking the petitioner to show cause on the following irregularities:

- “1. Shifted one place to another without prior permission from the higher authorities.
2. Teaching in English Medium instead of Telugu Medium, without permission.
3. Not provided even minimum facilities like Lab, Library, Fire Safety and Sanitary etc.”

The petitioner submitted his explanation on 18.11.2015, and the second respondent, having noticed that the explanation submitted by the petitioner was irrelevant and unrelated to the irregularities pointed out in the show cause notice, issued proceedings on 19.01.2016 canceling the recognition of the school for the academic year 2016-2017 onwards. Challenging the said proceedings, the present Writ Petition is filed.

This Court carefully perused the explanation submitted by the petitioner and found that the opinion of the second respondent that the explanation was irrelevant and unrelated is correct. However, learned Counsel for the petitioner submits that she would instruct the petitioner to submit a proper explanation to the irregularities pointed out in the show cause notice, and the second respondent may be directed to consider the same before taking drastic action of canceling the recognition.

In the circumstances, this Court is inclined to set aside the impugned order dated 19.01.2016 and remand the matter to the second respondent for consideration of the proposed explanation of the petitioner, for which the petitioner is given two weeks time from the date of receipt of a copy of this order. After receipt of the explanation from the petitioner, the second respondent is directed to pass appropriate orders in accordance with law, within a period of four weeks thereafter. If the petitioner fails to submit his explanation, as aforesaid, the order dated 19.01.2016 will come into effect.

The Writ Petition is, accordingly, disposed of. The miscellaneous

petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.03.2016
vs