

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17926 of 2017

ORDER:

Heard both sides. With the consent of both the parties the writ petition is disposed of at the admission stage.

This writ petition is filed seeking issuance of writ of certiorari calling for records pertaining to proceedings in Rc.No.3568/ B1/ 2016, dated 15.04.2017, issued by respondent No.1 and quash the same as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition would show that the petitioner institution was established in the year 1997 and was granted provisional recognition vide L.Dis.No.9708/ A7/ 2012, dated 19.07.2012. It is stated that basing on the complaint given by his opponents, the Regional Joint Director directed respondent Nos.1 and 2 to cause enquiry and accordingly the Divisional Educational Officer – respondent No.1 (DEO) issued proceedings dated 16.01.2014 seeking explanation from the petitioner institution. It is further stated that the petitioner submitted his explanation to the DEO, but, however, the DEO passed a cryptic order without considering the explanation given by the petitioner. Aggrieved thereby, the petitioner filed W.P.No.15319 of 2014 before this Court, wherein the Court made the following order:

*“So long as the petitioner does not run classes VIII, IX & X in the school and so long as the rest of the classes are run in a properly ventilated class rooms, the order passed by the District Educational Officer, Guntur on 02.05.2014 may not*

*been given effect to until further orders are passed by this Court."*

Subsequently, the DEO issued show cause notice dated 17.12.2016 on the ground that the school management failed to follow the rules prescribed in G.O.Ms.No.1 Edn., dated 01.01.1994 and G.O.Ms.No.41 Edn., dated 11.05.2006 and accordingly petitioner gave his reply which was duly acknowledged on 11.01.2017. It was also clarified that since VIII, IX & X are not being run in the school, the school has sufficient rooms to spare for Classes I to VII and the teachers for teaching I to VII classes. It is stated that the impugned proceedings in RC.No.3568/ B1/ 2016, dated 15.04.2017 came to be issued withdrawing provisional recognition granted upto academic year 2020-2021 with immediate effect and the management of the school was directed to close the school immediately on several inappropriate grounds. Thereafter, the petitioner filed an appeal before the Regional Joint Director, Guntur, on 22.05.2017 and also represented to the Commissioner School Education, Vijayawada seeking removal of seal and permit the petitioners to run the school. But in vain. The inaction of the respondents lead to filing of the present writ petition.

The grievance of the petitioner is that without issuing any notice to him, the impugned order came to be passed, canceling the recognition granted to the petitioner institution.

It is to be noted that against the impugned order, an appeal has been filed before the Commissioner School Education, Vijayawada, which is pending consideration. In that view of the matter, the petitioner submits that an appropriate direction may be given to the Commissioner to pass orders by treating the representation as an

appeal, in accordance with law, within a period of one week from today.

Learned counsel appearing for respondents would submit that earlier the petitioner approached this Court vide W.P.No.15319 of 2014 wherein this Court directed that *so long as the petitioner does not run classes VIII, IX & X in the school and so long as the rest of the classes are run in a properly ventilated class rooms, the order passed by the District Educational Officer, Guntur on 02.05.2014 may not be given effect to until further orders are passed by this Court.*

Without going into the said issue and since the appeal/representation is still pending, the Commissioner – respondent No.4 shall dispose of the appeal filed by the petitioner by treating the representation dated 22.05.2017 as appeal and pass orders in accordance with law, within a period of ten days from today. Meanwhile, there shall be interim suspension of the order under challenge for a period of 15 days.

With the above direction, the writ petition is disposed of. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.06.2017

Note:

Issue CC by tomorrow

B/o.

vhb