

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.271 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.5936 of 2017 dated 23.02.2017. The appellant herein, a registered association consisting of institutions running schools, is the petitioner in the writ petition. They had invoked the jurisdiction of this Court aggrieved by the notification issued by the Government of Telangana in conducting an entrance examination for admission to Class-VI in its model schools. Sri S.Nageswara Reddy, learned counsel appearing on behalf of the appellant, would submit that the action of the State Government is in violation of the provisions of the Right to Education Act.

In the order under appeal, the Learned Single Judge took note of the submission, urged on behalf of the appellant-writ petitioner, that conducting of an entrance test would result in migration of bright students from private schools to the model schools. Thereafter, the Learned Single Judge observed that these model schools were established by the Government to cater to the needs of the economically and socially weaker sections of society, and to train bright students; this would enable them to improve their career prospects; these are policy decisions of the Government; if the members of the appellant-association were running institutions, it was for them to attract students; the ultimate choice was left to the students either to choose institutions run by the members of the appellant-association or institutions run by respondents 3 and 4; and when that choice was left open to the students, the appellant-writ petitioner's grievance could not be entertained and no writ could be issued as sought for by them.

It is not the parent, of a child denied admission to Class-VI, who has invoked the jurisdiction of this Court requesting that an entrance examination should not be conducted. The appellant-writ petitioner is an association of private school managements. As has been rightly held by the Learned Single Judge, it is for them to take necessary steps to attract brighter students. They cannot complain that the method adopted by the State Government would result in the exodus of bright students from their schools to the model schools.

The Learned Single Judge has exercised his discretion not to entertain the writ petition filed by the association of private school managements. In an intra-court appeal, under Clause 15 of the Letters Patent, this Court would interfere only if the order of the Learned Single Judge suffers from a patent illegality. The exercise of discretion by the Learned Single Judge, not to entertain a writ petition filed by an association of private school managements, does not result in any such infirmity.

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

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

08th March, 2017
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Date: 08.03.2017

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