

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 2636 of 2016

Date : 15.11.2017

Between :

Mallarapu Veladri S/o Gopala Rao
36 yrs
R/o Veludurthipadu village, Penuganchiprolo mandal
Krishna district

Petitioner

And

A Subbareddy
DEO, Krishna district
Machilipatnam

Respondents

The Court made the following:



ORAL ORDER:

This Court disposed of W.P.No. 38728 of 2016 by order dated 18.11.2016 granting liberty to the petitioner to file a complaint under Section 32 of The Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009) (for short the Act,2009) to the District Educational Officer. Court further directed the District Educational Officer to call for explanation from the school management and to take appropriate decision in accordance with the provisions of the Act. The Court fixed time of two months from the date of complaint to take decision. Alleging disobedience of the orders of the Court, this contempt case is filed.

2. According to learned counsel for petitioner, children of the petitioner were not allowed to prosecute their education in 5th and 7th classes respectively on the ground that petitioner was not paying the fee payable in a private school. According to learned counsel, as petitioner belong to poor family, his children are entitled to avail the benefit of free and compulsory education under Act, 2009 even in schools run by private managements and Act,2009 mandates the private managements to admit students to an extent of 25 % of the school strength from the children belonging to poor and weaker section families for providing free and compulsory elementary education. In the complaint filed by the petitioner, petitioner alleged disobedient action of the management in not allowing the students to prosecute their course of study. Learned counsel contended that even though the direction was issued to the District Educational Officer, he, in disobedience of the directions, delegated the power of enquiring into the complaint to the Deputy Educational Officer and same is only illegal and no further action was taken on the complaint of the petitioner.

3. As of now, students are continued to prosecute their education for the academic year 2016-17 and are also allowed to

prosecute their education in the present academic year and no fee is demanded from the parents for prosecuting the course of study. Having realized the earlier mistake, the District Educational Officer considered the issue and passed orders on 29.7.2017.

4. Thus, the grievance of the petitioner is now resolved. However, two things which Court requires to note and incorporate in the order are, firstly, when direction is specifically issued to District Educational Officer, the District Educational Officer has not passed orders but delegated to Deputy Educational Officer, which he could not have done. Even if according to the understanding of the District Educational Officer that as per Act, 2009 the Deputy Educational Officer is competent, he should have sought a clarification from the Court or apprised the Court that as per the provisions of Act, 2009, the Deputy Educational Officer is competent and he can decide the issue. This was not done and on his own, District Educational Officer has delegated to Deputy Educational Officer; and secondly by order dated 18.11.2016 Court permitted the petitioner to file a complaint under Section 32 of the Act, 2009, accordingly complaint was filed on 3.12.2016. Within two months from the said date, the District Educational Officer is supposed to act and pass appropriate orders, whereas, no orders are passed till 29.7.2017. The explanation offered by the District Educational Officer in the counter affidavit is that since issue was already resolved, he was under the impression that there is no need to pass orders. However, having realized that it was a mistake in not passing the orders within time granted, the District Educational Officer expressed unconditional apology. The Court accepts the unconditional apology but directs the District Educational Officers to be careful in dealing with the Court cases in future. The contempt case is closed and contemnor is discharged. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 15.11.2017

P NAVEEN RAO,J

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