

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4737 OF 2018

ORDER:

Heard Sri Chandraiah Sunkara, learned counsel for the petitioners, learned Government Pleader for Higher Education (TG) appearing for respondent No.1 and Sri D.L.Pandu, learned Standing Counsel appearing for respondent No.2/Telangana State Board of Intermediate Education.

2. Petitioners herein are Paramedical Vocational Junior Colleges. Earlier, the Secretary, Telangana State Board of Intermediate Education, Nampally, Hyderabad, respondent No.2 herein, *vide* proceedings Rc.No.VOC/E-1/Syllabus/2017, dated 03.06.2017, directed all the Principals of Government/Private/Aided Junior Colleges in Telangana not to take admissions into 1st year in various courses mentioned therein including Ophthalmic Technician (O.T.) Course from the academic year 2017-2018. On the ground that the same is in violation of the principles of natural justice, petitioners herein filed W.P.No.22242 of 2017 before this Court. This Court disposed of the said writ petition by way of an order, dated 27.07.2017, setting aside the said orders passed by respondent No.2 on the ground of violation of principles of natural justice while keeping it open to respondent No.2 herein to give notice to the petitioners and to take further steps in accordance with law.

3. According to the learned counsel for the petitioners, though this Court specifically directed respondent No.2 – Board of Intermediate Education to issue a notice to the petitioners herein

before proceeding further, no such show cause notice has been issued by respondent No.2, as directed by this Court, and on the other hand, issued the impugned order *vide* proceedings Rc.No.Spl/22242/C-24/2017-18, dated 16.12.2017, directing the petitioners herein not to take admissions in Ophthalmic Technician (O.T.) Course from the academic year 2018-2019. In elaboration, it is further contended by the learned counsel for the petitioners that apart from the order being in violation of the principles of natural justice, it is also opposed to the orders passed by this Court in W.P.No.22242 of 2017.

4. When the matter is taken up, learned Standing Counsel appearing for the Board of Intermediate Education has placed on record the proceedings Rc.No.Spl/22242/C-24/2017-18, dated 16.12.2017, and submitted that the said proceedings were communicated to the petitioners herein on 30.12.2017. An extract from the despatch register is also placed on record. A perusal of the said proceedings, dated 16.12.2017, shows in clear terms that respondent No.2 issued the said order reiterating the earlier stand, but not a show cause notice, as directed by this Court. It is also not clear as to whether the said proceedings reached the petitioners herein or not and there is no evidence to that effect placed by the respondents.

5. A reading of the impugned order, dated 16.12.2017, also does not show anything with regard to issuance of the show cause notice as directed by this Court in the earlier writ petition. It is required to be noted that at paragraph Nos.9 and 10 of the order passed earlier in W.P.No.22242 of 2017, this Court, while

observing the earlier action as violation of the principles of natural justice, has set aside the orders impugned therein, while keeping it open to respondent No.2 - Board of Intermediate Education to issue notice and to take steps in accordance with law.

6. In the considered opinion of this Court, by giving go by not only to the principles of natural justice but also to the orders of this Court referred to supra, respondent No.2 herein once again issued the impugned order, dated 16.12.2017, as such, the said order passed by respondent No.2 cannot be sustained in the eye of law.

7. Accordingly, the Writ Petition is allowed, setting aside the proceedings Rc.No.Spl/22242/C-24/2017-18, dated 16.12.2017, and the respondents are directed to receive the applications of the petitioners herein for affiliation with late fee for extension of provisional affiliation. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 14.03.2018
AMD

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