

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.10072 of 2018

ORDER:

In this writ petition, under Article 226 of the Constitution of India, apart from seeking a declaration that the action of the 2nd respondent in issuing the impugned proceedings in Rc.No.759/B4/2017, dated 10.03.2018, instructing the 1st respondent to pass speaking orders that the pre-primary permission is not feasible in the petitioner school as arbitrary and illegal and contrary to G.O.Ms.No.1, a consequential direction is sought to direct the 1st respondent to grant permission to the petitioner school for conducting pre-primary classes pursuant to the application, dated 07.02.2017, submitted by the petitioner without reference to the impugned proceedings.

I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Education (TG) appearing for the respondents.

Learned counsel for the petitioner would submit that the proceedings impugned instructing the District Educational Officer to issue a speaking order to the correspondent that pre-primary permission is not feasible at this juncture to consider as vacate stay petition is pending are unsustainable under facts and in law and that merely because a vacate petition is pending, the Regional Joint Director of School Education, Warangal, is not competent to issue such proceedings. He would further submit that an inspection has already been made and that all the requirements for running pre primary classes are fulfilled and that, therefore, the present writ petition is filed.

Learned Government Pleader, on oral instructions, would submit that the 1st respondent would consider the application of the petitioner for permission in accordance with the procedure established by law.

Having regard to the facts and submissions, the Writ Petition is ordered directing the 1st respondent to consider the application, dated 07.02.2017, of the petitioner without reference to the afore-stated impugned proceedings.

There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

06.04.2018
Vjl



M. SEETHARAMA MURTI, J