

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.18594 & 18599 of 2017

COMMON ORDER:

Heard Mr.Mohd. Osman Shaheed for petitioners and Mr.Krishna Chaitanya holding for learned Additional Advocate General for respondents.

The petitioners in these two writ petitions challenge the proceedings No.E1/719/2017 dated 30.05.2017 through which 2nd respondent/District Collector, Karimnagar has passed an order for shifting Government Primary School and other institutions to alternate buildings before putting in place permanent facilities. The petitioners, as learned counsel Mr.Mohd.Osman Shaheed contends, are not against the relocation or temporary shifting but are apprehensive about shifting an institution to a place where there is hardly any facility, which may result in inconvenience to the students. The District Collector/2nd respondent filed counter affidavit explaining the circumstances under which, steps are being taken for construction of new school buildings, especially for college and school going girl students. In view of the limited objection pointed out by Mr.Osman Shaheed, this Court is not referring to all other allegations either in the affidavit or in the counter affidavit.

To allay the fears of petitioners and also to appreciate the steps taken by the 2nd respondent, under which the writ petitions are disposed of, the following paragraphs are excerpted:

“In reply to the averments made at Paragraph Nos.11 & 12 of the petitioner’s affidavit, it is submitted that the proceedings were issued after considering all the aspects. The allegation of the writ petition that the Respondent No.2 was reluctant to receive the representation and not paid attention to the representation is not correct. In fact representation of the petitioner is received on 7.6.2017, 12.06.2017 and the same has been considered and intimated under memo No.E/719/2017 dated 22.06.2017.

In reply to the averments made at Para No.13 of the affidavit, it is submitted that the contention of the writ petitioner is not correct. The proceedings were issued in the interest of providing proper amenities and sufficient better accommodation to the students as the present building is very old, constructed during Nizam Period. If any untowards incident happens during rainy season student will suffer a lot.

In reply to the averments made at Para No.14 of the affidavit, it is submitted that a suitable accommodation with all amenities will be provided without causing any inconvenience to the students. The decision for shifting the school building was taken before commencement of the academic year. Hence, the question of inconvenience to the students and more dropouts will not arise.

In reply to the averments made at paragraph-15 of the petitioner’s affidavit, it is submitted that the Executive Engineer has been

instructed to take up demolition of the school after vacating/shifting school.

In reply to the averments made at paragraph-16 of the petitioner's affidavit, it is submitted that the orders were issued properly without violation of the Rules. The Petitioner committee has no legal right to challenge the action of the Government in shifting the school in the better interest of students and to protect heritage structures. If the status quo order granted by the Hon'ble High Court on 9.06.2017 in W.P.No.18594/2017 is not vacated the students will suffer as the academic year is already started as the present building needs repairs."

By placing on record, the stand taken by the 2nd respondent, this Court is not inclined to interfere with temporary measure taken for relocation of schools.

Writ petitions are accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 02.04.2018
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