

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.21345 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of mandamus declaring the impugned notice, dated 11.06.2018, issued by the 3rd respondent purporting to cancel the recognition of the petitioner institution as arbitrary, illegal and ultravires and contrary to the relevant Rules in A.P. Educational Institution Rules framed under G.O.Ms.No.1, Education, dated 01.01.1994, and violative of provisions of the Constitution of India and principles of natural justice. A consequential direction is also sought to set aside the same and take action on the request of the petitioner for shifting the school into the new premises i.e., the subject premises where the school is presently situated.

2. I have heard the submissions of Sri *Kasa Jagan Mohan Reddy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for School Education (Telangana) appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner submits that in view of the disputes with the erstwhile landlord of the school building, the petitioner institution sought permission from the District Educational Officer (D.E.O.), Yadadri Bhuvanagiri District, Bhongiri, 2nd respondent herein, for shifting of the school to the present new premises and that during the pendency of the said request with the D.E.O., the former landlord started giving troubles by locking some

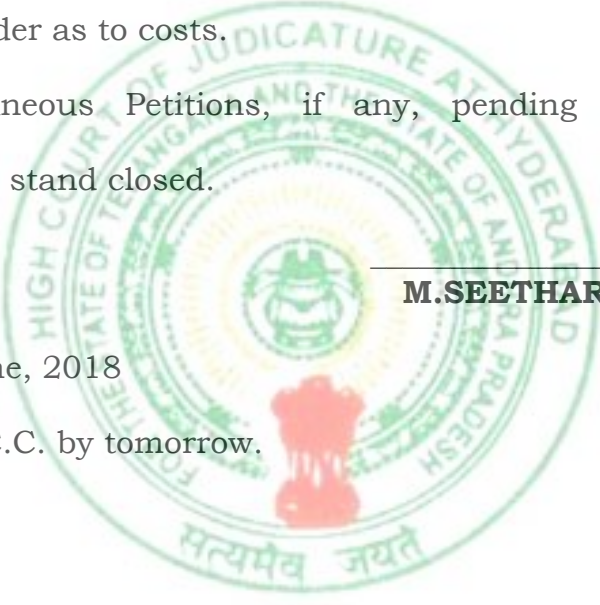
of the rooms and that eventually he locked the entire school premises and that under the said circumstances, having no other option, the school was shifted to the new building, pending consideration of the request for shifting of the school to the new building with the D.E.O. He would further submit that on intimation that the petitioner institution has to approach through the proper Officer, a representation is given to the Mandal Educational Officer and that on the report of the Mandal Educational Officer, the D.E.O. concerned has to take an appropriate decision on the request of the petitioner institution. By the impugned notice, the petitioner institution was informed by the Mandal Educational Officer that the school was shifted without permission of the D.E.O., and, the petitioner institution was directed to show cause as to why permission should not be cancelled for not running the school in the recognized premises. Learned counsel for the petitioner would further submit that if the D.E.O. is directed to call for a report from the Mandal Educational Officer and dispose of the pending request for shifting of the school from the old premises to the present premises and the interests of the institution are protected meanwhile, the ends of justice would be met.

4. Learned Government Pleader for School Education sought time for instructions, but, however, did not dispute the fact that the request of the petitioner institution is pending with the D.E.O.

5. Having regard to the submissions, the Writ Petition is disposed of setting aside the impugned notice, dated 11.06.2018, issued by the Mandal Educational Officer, Yadadri Bhonagiri

District, 3rd respondent herein, and directing the 3rd respondent to submit an appropriate report to the District Educational Officer, Yadadri Bhuvanagiri District, Bhongiri, 2nd respondent herein, before whom the request of the petitioner institution is pending and further directing the D.E.O. to dispose of the request of the petitioner institution within four (04) weeks from the date of receipt of the appropriate report from the 3rd respondent, however, in strict accordance with procedure established by law and after affording an opportunity of hearing to the petitioner. It is made clear that till such exercise is completed, no coercive action shall be taken. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.



M.SEETHARAMA MURTI, J

Date: 26th June, 2018

Note: Issue C.C. by tomorrow.

(B/o.)
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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.21345 of 2018

Date: 26th June, 2018

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