

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 11612 of 2019

ORDER :

This writ petition is filed challenging the proceedings vide Rc.No.443/B4/2018, dt.28.03.2019, issued by the 3rd respondent cancelling the shifting permission orders of the petitioner school and consequently to suspend the operation of the said order by permitting the petitioner to run the school in the newly shifted school premises at H.No.19-9-441, Shambhunipet, Khila Warangal (Urban District).

Learned Counsel for the petitioner submits that the petitioner-school was accorded permission for shifting of the school from Shivanagar to Shambhunipet vide proceedings 20.02.2019; and that without issuing any notice present impugned proceedings dt.28.03.2019 is issued cancelling the shifting permission which is in violation of principles of natural justice. He also submits that building construction of new school building at Shambhunipet is completed.

On the other hand learned Government Pleader for Education submits that the impugned proceedings dt.28.03.2019 cancelling shifting permission of the petitioner school was issued basing on the complaints that the proposed building to which the petitioner school want to shift at Shambhunipet is incomplete. She also submits that the petitioner school is running at the Shambhunipet under different name i.e. Sri Chaitanya that too without transferring the students from Shivanagar to Shambhunipet. She also submits that the person who

obtained the shifting permission himself made an application on 16.03.2019 requesting not to grant shifting permission.

The same is disputed by the learned counsel for the petitioner stating that the school is being run only in the name of Reynolds High School; and that the person who has made an application for cancellation of the permission is not the competent authority.

Counter is filed by the 5th respondent-The Mandal Educational Officer, justifying grounds urged by the learned Government Pleader.

Basing on the reply affidavit, learned counsel for the petitioner submits that the students who are interested to come over to the new school at Shambhunipet, have been transferred from Shivanagar to Shambhunipet school; and that the students who are not willing to come over to the new school were granted Transfer Certificates.

In this case it is to be seen that admittedly permission for shifting of the school from Shivanagar to Shambhunipet was granted to the petitioner-school on 20.02.2019 and admittedly no notice was issued to the petitioner before passing the impugned order which is in violation of principles of natural justice. Since it is stated that the petitioner-school is being run at new premises at Shambhunipet, and that already students who are willing to attend the school at Shambhunipet were transferred, the impugned order dt.28.03.2019 issued by the 3rd respondent cancelling the shifting permission is set aside.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

17.09.2019
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