

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3027 of 2020

ORDER:

The present writ petition is filed to declare the action of respondents 3 to 5 in not accepting the Nominal Rolls and examination fees in respect of 10th Class students of petitioner schools to appear for the SSC Public Examinations scheduled to be held in the month of March, 2020 by implementing the Memo No.635/SE.Genl.I/2020, dated 30.01.2020, as arbitrary, illegal, unconstitutional and contrary to the Educational Act, 1982 and its Rules and consequently direct to accept Nominal Rolls of the 10th Class students of the petitioner schools to appear for the SSC Public Examinations to be held in the month of March, 2020.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Education for respondents.

3. The facts of the case are that the petitioner schools have made applications for grant of recognition, which they claim were pending with the fourth respondent. In the meantime, questioning the inaction of respondent authority in not accepting the Nominal Rolls of the candidates for the SSC Public Examinations to be held in March, 2020, the petitioner schools had approached this Court by way of W.P.No.92 of 2020. This Court, while deciding the above said writ petition, taking note of the fact that recognition to the petitioners schools have not been granted and in order to ensure that the students studying in the petitioner schools do not suffer, by order dated 22.01.2020, permitted the students who are studying in the petitioners schools, allowed the students for writing SSC exams through Government high schools at Bhongir and Valigonda as mentioned in the said order dated 22.01.2020. Further, by the said order,

this Court also directed the petitioner schools therein to approach the fourth respondent/District Educational Officer, Nalgonda District therein, to make payment of examination fee along with penalty. Upon such payment of fee along with penalty, the 4th respondent authority was directed to accept such students of petitioners 2 to 4 schools, who are petitioners 1 to 3 herein, and forward the names of the students so permitted to the Board of Secondary Education for allowing the students to take SSC public examinations scheduled to be held in the month of March, 2020.

4. While the said order came to be passed on 22.01.2020, it appears that the first respondent by his proceedings in Memo No.635/SE.Genl.I/2020, dated 30.01.2020, directed respondents 2 and 3 herein to accept the Nominal Rolls and examination fees for 10th Class students of 31 schools as indicated in the annexure I and II therein subject to obtaining final permission from Government for opening of new schools/upgradation of schools as per notification issued by the Director of Government Examinations, Telangana, Hyderabad, for appearing SSC Public Examinations to be held in the month of March, 2020.

5. From the annexure-I enclosed to the said Memo dated 30.01.2020 issued by the first respondent authority, it is seen that the names of the petitioner schools are mentioned at serial Nos.1, 2 and 3.

6. The submission of the learned counsel for the petitioners is that since the first respondent authority has now permitted the students of petitioner schools to take 10th Class examination to be held in March, 2020, the third respondent be directed to accept the nominal rolls and examination fees of 10th class students of the petitioner schools though the students of the said schools were earlier permitted to appear through

Government schools by this Court, by superseding the said order passed by this Court, in view of supervening circumstances.

7. Having regard to the submissions made and considering the fact that the first respondent has issued the proceedings in Memo No.635/SE.Genl.I/2020, dated 30.01.2020, directing respondents 2 and 3 to accept the nominal rolls and examination fees of 10th Class students of various schools, which *inter alia*, includes the petitioner schools also, the second and third respondent are hereby directed to accept the nominal rolls and examination fees of students of the petitioner schools, who were earlier directed by this Court by order dated 22.01.2020 passed in W.P.No.92 of 2020 to appear examination through Government Schools, and allow such students to write 10th Class examinations to be held in March, 2020.

8. Subject to the above observations, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VI NOD KUMAR

Date:13.02.2020

Note: Issue CC by 15.02.2020

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