

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 33887 OF 2011

Between:

Viswabharati (E.M) High School, Rajendra Nagar, Gudivada, Krishna District,
Rep. by its Secretary -cum- Correspondent, Potluri Sreemannarayana S/o
Late Raghunamaiah, aged about 67 yrs, R/o Gudivada, Krishna District,

...PETITIONER

AND

1. The Government of Andhra Pradesh, Rep. by its Secretary, School Education Department, Secretariat, Hyderabad- 500 001
2. The Commissioner & Director of School Education, Andhra Pradesh, Saifabad, Hyderabad- 500 004

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ Of Mandamus to declaring the impugned orders of the respondents in issuing impugned proceedings Rc.No.53/E1/2011 dated 11-2-2011 preventing the petitioner from conducting merit talent test to extent free education to the meritorious students in the guise of provisions contained in Sec.13 of Right of Children Free and Compulsory Education Act (Act 35 of 2009) as illegal, arbitrary and violative of Art.14 of Constitution of India apart from contrary to the provisions of Act 35 of 2009.

I.A. NO: 1 OF 2011(WPMP. NO: 42138 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased not to interfere with the conducting Merit Scholarship Test / Talent Test by the

petitioner's institution for imparting free education to the students pending disposal of the case.

I.A. NO: 2 OF 2011(WPMP. NO: 42139 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned proceedings Rc.No.53/E1/2011 dated 11-2-2011 so far as it relates to prohibiting conducting merit Scholarship Test / Talent test by the petitioner's institution for extending free education to the students.

Counsel for the Petitioner: SRI G.V.SHIVAJI

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.33887 of 2011

ORDER:

The petitioner approached the Court seeking prayer as under:

"to issue an appropriate writ order or direction particularly one in the nature of Writ of Mandamus to declaring the impugned orders of the respondents in issuing impugned proceedings Rc.No.53/E1/2011 dated 11.02.2011 preventing the petitioner from conducting merit talent test to extent free education to the meritorious students in the guise of provisions contained in Sec. 13 of Right of Children Free and Compulsory Education Act Act. 35 of 2009 as illegal, arbitrary and violative of Art 14 of Constitution of India apart from contrary to the provisions of Act 35 of 2009 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. It is represented by both the learned counsel on record that the cause of action in the present writ petition does not survive for adjudication, any more.

3. Recording the above submission, the Writ Petition is dismissed as infructuous. Interim order granted by this Court on 19.12.2012 shall stand

vacated. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall also stand closed.

**SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI G.V.SHIVAJI, Advocate [OPUC]
2. Two CCs to GP FOR SCHOOL EDUCATION, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies

BSR

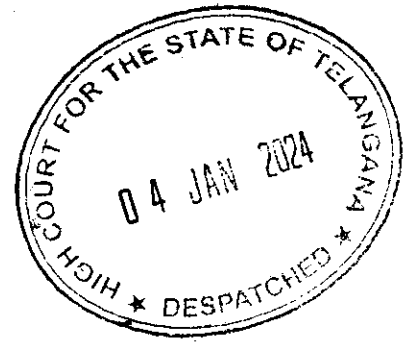
NS

HIGH COURT

DATED: 14/12/2023

ORDER

WP.No.33887 of 2011



**DISMISSING THE WRIT PETITION
AS INFRACTUOUS,
WITHOUT COSTS**

⑥ NW
27/12/23