

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12751 of 2005

Between:

1 St.John's Educational and Development society,

Cumbum-523333, Prakasam Disrict, A.P.

rep.by its President Smt.B.H.K.Sarojini, W/o.B.Danam,
R/o.104, Dwaraka Apartments, Thakur Mansion Lane,

Somajiguda, Hyderabad.

2 St.John's College of Education, Aswaraopet, Khammam Dist.

rep.by its President.

..... PETITIONERS

AND

1 Government of A.P., rep.by its Prl.Secretary, School Education Department,
Secretariat, Saifabad, Hyderabad.

2 Director of School Education, Govenment of Andhra Pradesh, Hyderabad.

3 Govt. of A.P. rep.by its Secretary Minority Welfare Dept., Secretariat, Saifabad
Hyderabad.

4 AP State Council for Higher Education rep.by its Secretary, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 3rd respondent in not approving the 2nd petitioner institution as a minority educational institution and the further action of the 4th respondent in purporting to make admissions to the 2nd petitioner institution by treating it as a non minority educational Institution as being illegal, arbitrary, unconstitutional and consequently direct the respondents to recognize, approve and

permit the petitioner to make admissions as a minority educational institution for the academic year 2004-2005 and all future years and pass such further order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondents 1 & 2 : GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.3: G.P. for Social Welfare,

Counsel for Respondent No.4: Mr. Sudesh Anand,

The Court made the following :

ORDER:

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This Writ Petition is filed by the petitioners seeking writ of mandamus declaring the action of the 3rd respondent in not approving the 2nd petitioner institution as a minority educational institution, and the further action of the 4th respondent in purporting to make admissions to the 2nd petitioner institution by treating it as a non-minority educational institution as illegal, arbitrary and unconstitutional; and consequently to direct the respondents to recognize, approve and permit the petitioners to make admissions as a minority educational institution for the academic year 2004-2005 and for the subsequent years.

2. It is stated that the 1st petitioner is the Society registered under the Societies Registration Act at Ongole, Prakasam district for the benefit of the minority community. The 1st petitioner proposed to start B.Ed. course and other professional Colleges. It is also stated that the 1st petitioner has established and administering the St.John's College of Education, Cumbum, Prakasham district, which has been recognized as a minority educational institution. The 1st petitioner similarly applied for issuance of no objection certificate for starting another B.Ed., College in Palvancha Revenue Division, Khammam district, in response to a notification issued

by the 1st respondent in March 1998. It is stated that the petitioner has obtained all the necessary permissions, and thereafter made application for being recognized as a minority educational institution. As the applications made by the 1st petitioner was not forwarded by the 2nd respondent to the 3rd respondent, the petitioner filed W.P.No.10566 of 2005, which was disposed of at the admission stage, wherein this Court passed an interim direction directing the respondents 1 and 2 therein i.e., the Principal Secretary, School Education as well as the Director of School Education, to forward their report to the 3rd respondent to enable the 3rd respondent to process the petition and passed orders for the grant of recognition as a minority educational institution. In spite of the said interim direction granted by this Court on 29.4.2005, as the respondents did not forward the report to the 3rd respondent, the petitioner has come up with the present Writ Petition.

3. This Court by way of interim order on 23.6.2005 directed the respondents to complete the inspection and forward the report to the competent authority on or before 28.6.2005 for the purpose of consideration by the competent authority for the grant minority status to the petitioner institution.

4. The learned Government Pleader appearing for the 2nd respondent represented that the report has already been forwarded on 28.6.2005 itself to the 3rd respondent. In fact, though the learned Government Pleader appearing for the 3rd respondent represented that the 3rd respondent did not receive the said report in the forenoon when the matter was called, but in the afternoon when the matter is called again for hearing, it is represented that the 3rd respondent had received the report on 28.6.2005 itself.

5. Heard both sides and considered the material on record.

6. In view of the receipt of the report from the appropriate authorities, the 3rd respondent is obligated to pass appropriate orders with reference to claim made by the petitioners as to the minority status; and also in view of the above stated facts, the Writ Petition is being disposed of as the report has already been received by the 3rd respondent. Now it is for the 3rd respondent to pass appropriate orders after

examining the report and other related material placed before him. As the counseling for the second batch of admissions is scheduled on 5th July 2005, it is appropriate that the 3rd respondent has to pass orders expeditiously, especially in view of the pendency of the matter since long time. Hence, the 3rd respondent is directed to pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

7. The Writ Petition is accordingly disposed of. No costs.

S. Ananda Reddy, J.

Dt. 30..06..2005

Note:

Issue CC in two

Days. (bo) Kvh

To

1 The Prl.Secretary, School Education Department, Secretariat, Saifabad, Hyderabad.

2 Director of School Education, Govenment of Andhra Pradesh, Hyderabad.

3 The Secretary Minority Welfare Dept., Secretariat, Saifabad Hyderabad.

4 The Secretary, AP State Council for Higher Education, Hyderabad.

5) 2 CD copies

6) 1 CC to MR.NIRANJAN REDDY

7) Two CCs to G.P. for School Education, High Court, Hyderabad

(OUT)

8) Two CCs. To G.P. for Social Welfare, High Court, Hyderabad

(OUT)

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THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P. No. 12751 of 2005

ORDER

30..06..2005