

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 12230 of 2009

Between:

Krishna Veni Talent School, Ramayampet Village & Mandal,
Medak District, Rep by its In-Charge, Sri. A.Ravi chandra,
Sri Gnana Sarwasthi Educational society, Videhi Nagar, Hyderabad.
Regd No.1174/2008.

.....
PETITIONER

AND

- 1 The Government of Andhra Pradesh, Rep by its Prl. Secretary of School Education, Secretariat, Hyderabad.
- 2 The Government of Andhra Pradesh, Rep by its Commissiner and Director of School Education, Hyderabad.
- 3 The Regional Joint Director of School Education, Kachiguda, Hyderabad.
- 4 The District Educational Officer, Medak District, at Sanga Reddy, Medak District.

.....**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 of the writ respondent in issuing proceedings Rc.No.2429/A3/2009, dated 19-06-2009 for rejecting permission to run the Petitioners School is illegal, arbitrary and unjust and consequently set aside the same and direct the respondents to grant permission to the petitioners school in the name and style of krishna Veni Talen School, Ramayampet Village and Mandal, Medak District, and pass

Counsel for the Petitioner: MR.B.SHIVA KUMAR

Counsel for the Respondent No.: GP FOR EDUCATION

The Court made the following :

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No : 12230 of 2009

ORDER :

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This writ petition is filed seeking a declaration that the order passed by the 4th respondent-District Educational Officer, Medak District dated 19.06.2009 in rejecting the permission sought by the petitioner to establish an English Medium School from class 1 to class 10 at Ramayampeta, Medak District for the academic year 2009-10 is arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for School Education appearing for the respondents.

In exercise of powers conferred under Section 99 of the Andhra Pradesh Education Act, 1982 and the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993 (for short 'the Rules') were made vide G.O.Ms.No.1 dated 01.01.1994 and the same are applicable to all categories of schools functioning under the private management. The said Rules provide for grant of permission for establishment of schools, upgradation of existing schools, according recognition and administration of schools as well as disciplinary control of the employees of the schools under the private management.

Rule 4 of the Rules stipulate the broad guidelines to be

considered for grant of permission for the establishment of new schools. Rule 6 of the Rules further provides that the application seeking permission for establishment of a new school shall be submitted to the competent authority on or before the 31st October of the preceding academic year, in triplicate, in Form-I. The documents to be submitted were specified under (2) of Rule 6. Rule 7 provides that on receipt of an application, the competent authority shall cause such verification of the proposal and shall communicate the decision thereof by 31st January. It is further made clear that the grant of permission shall be in Form-II and in case of refusal of permission the order shall contain reasons.

In the instant case, under the impugned order, the permission sought by the petitioner was rejected stating that the management has not provided facilities as per G.O.Ms.No.1 dated 01.01.1994.

As noticed above, the Rule 4 of the Rules stipulates various requirements to be complied with and according to the petitioner all the said requirements have been fulfilled. In case, there is any deficiency which disentitles the petitioner for grant of permission, it is necessary for the 3rd respondent to specify the same in the impugned order. Since the impugned order is absolutely vague and lacking in material particulars, the same cannot be said to be in conformity with Rule 7(1) of the Rules, which states that in case of refusal of permission, the order shall contain reasons.

Learned Government Pleader under instructions submitted that on inspection, it was found that the management established the school in old cinema theatre at Ramayampeta, which was not suitable to run the school and the building was under renovation and that the toilets were not in good condition. Even assuming that the petitioner failed to satisfy the above said requirements, the same are required to be communicated to the petitioner while rejecting the

permission.

In the circumstances, the impugned order is liable to be set aside on that ground alone.

Accordingly, the impugned order is hereby set aside and the writ petition is disposed of with a direction to the 4th respondent to consider the petitioner's request for permission afresh and pass appropriate reasoned order keeping in view the observations made above. Such exercise shall be completed as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

G. ROHINI, J

Dated: 30-06-2009

Note: Issue C.C. in one week.

B/o
KLP