



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

WEDNESDAY ,THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 3722/2021

Between:

B Rambabu

...PETITIONER

AND

The State Of A P and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P NARAHARI BABU

2.S MAHESH NAIK

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION (AP)

The Court made the following:

ORDER:

The Writ Petition is filed under Article 226 of Constitution of India for the following relief:

“....to issue a writ order or direction more particularly one in the nature of Writ of Mandamus petition questioning the action of the respondents 2 to 4 herein not taking action against the 5th respondent for collecting higher fee from the public by issuing certificates in the name of Kennedy EM High School Srinagar Vijayawada Krishna District instead of 5th Respondent school is illegal arbitrary and violative of articles 14, 16 and 300-A of constitution of India consequentially cancel the authorization of the 5th Respondent School recognition and Kennedy English Medium High School Kanuru Vijayawada for cheating the public under the name of School Narayana Group of Educational Institution and pass...”

2. The case of the petitioner is that the petitioner has submitted a ‘Spandana’ complaint on 05.08.2019 to respondent Nos.2 to 4 regarding the action of the respondent No.5 in running a school in the name of Kennedy English Medium High School, Srinagar, Vijayawada, Krishna District and immediately after receiving the said complaint, the respondent No.4 has called for an explanation from the respondent No.5/school. Accordingly, the respondent No.5/school has submitted his explanation on 08.08.2019. Thereafter, the respondent No.4 has also conducted a detailed enquiry with regard to the collection of higher fee and submitted a detailed report on 10.11.2019 to the respondent No.3 stating that the respondent No.5/school is being run under Memorandum of Understanding (MOU) with Kennedy English Medium High School, Kanuru, Vijayawada. In spite of the same, as no action

has been initiated against the 5th respondent, the present writ petition has been filed.

3. Respondent No.3 has filed detailed counter-affidavit, wherein it is stated that pursuant to the 'Spandana' complaint made by the petitioner on 05.08.2019, the respondent Nos.2 and 3 have called for an enquiry into the allegations made in the complaint by duly appointing an enquiry officer, and has verified the records and submitted a report on 10.11.2019. Thereafter, a Show Cause Notice was issued to the Correspondent of the Kennedy English Medium High School, *vide* proceedings, dated 03.05.2021 with regard to the illegalities committed in running the school in the name of Narayana English Medium High School and called for an explanation as to why the recognition of school for classes VI to X (English medium) shall not be withdrawn within three days. Thereafter, the respondent No.5/school has submitted an explanation and after receiving the said explanation, the competent authority i.e., the Regional Joint Director of School Education, Kakinada has issued Proceedings vide Rc.No.1079/A1/2021, dated 14.02.2022, giving a finding that all the allegations leveled by the petitioner against the management deemed to be proved. However, keeping in view the academic interest and welfare of the students, the respondent authorities are not initiating any action against the Kennedy English Medium High School but have informed the management to cancel the MOU with the Narayana School and to follow all the rules and instructions issued by the higher authorities from time to time

scrupulously and see that it shall not be repeated in future, otherwise, the recognition shall be withdrawn without any notice.

4. From the counter-affidavit of the respondent No.3, it is clear that immediately after receiving the petitioner's complaint raised through 'Spandana' an enquiry was conducted by the Regional Joint Director and basing on the report, a Show Cause Notice was issued to the Correspondent of the Kennedy English Medium High School calling for an explanation with regard to collection of higher fee in the name of Narayana English Medium High School. Pursuant thereto, the Correspondent of the school submitted an explanation and duly considering the same, the Regional Joint Director of School Education *vide* Proceedings Rc.No.1079/A1/2021, dated 14.02.2022, has given a finding that the allegations leveled against the school are proved in connection to receipt in the name of Narayana English Medium High School and thereafter, the management of the said school was directed to cancel the MOU with Narayana English Medium High School and was also warned to follow the rules and regulations issued by the higher authorities, or else the recognition shall be withdrawn without any notice.

5. In view of the fact that action was already initiated in pursuance of the 'Spandana' complaint, instead of keeping the writ petition pending, this Court feels it appropriate to dispose of the writ petition by directing the respondent authorities to take appropriate action if the orders of the Regional Joint Director of School Education, Zone-II, Kakinada issued *vide* Proceedings Rc.No.1079/A1/2021, dated 14.02.2022, are not complied with.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE V. SUJATHA

Dated: 08.05.2024
MSI

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 3722/2021

Dated: 08.05.2024
MSI