HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 212 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 31/01/2025 in W P No 2765 of 2025 on the file of the High Court.

Between:

The Master Mind School, Rep. by its Director Billa Haripal, At H. No 18-2-626, Engine Bowli, Falaknuma, Bandlaguda Mandal, Hyderabad.

...APPELLANT/PETITIONER

AND

1. The Government of State of Telangana, Rep. by its Principal Secretary, School Education Department, Secretariat, Hyderabad.
2. The District Educational Officer, Hyderabad District.
3. The Deputy Inspector of Schools, Bandlaguda Mandal-II, Hyderabad.

...RESPONDENTS

IA NO: 1 OF 2025

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 stay the closing order vide Rc. No. 2503/Un-Rec-School/DyEO/BGZ/2024-25, dated 13/12/2024 passed by 3rd respondent until dispose of the writ petition.

Counsel for the Appellant: SRI K. MALLIKARJUN

Counsel for the Respondents: SMT. A. SANTHOSH KUMARI,
AGP FOR SCHOOL EDUCATION

The Court Delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.212 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul):*

Sri K. Mallikarjun, learned counsel for the appellant and Smt. A. Santhosh Kumari, learned Assistant Government Pleader for School Education, for the respondents.

2. Heard on admission.

3. This Intra-Court appeal assails the order dated 31.01.2025 passed by a learned Single Judge of this Court in W.P.No.2765 of 2025.

4. Learned counsel for the appellant submits that the appellant-School preferred an application dated 30.03.2024 seeking permission to open the school from Nursery to class VIII. A conjoint reading of Rules 7 and 8 of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools Under Private Managements) Rules, 1993 (for short, "the Rules"), the permission to the appellant is deemed to have been granted. Midway cancelling the permission or directing the appellant to

close the school is bad in law, more so, when number of students are studying in the said school. In view of deemed permission being granted, learned Single Judge was not justified in rejecting the writ petition.

5. The other side supported the impugned order and urged that no deemed permission was ever granted. For the purpose of permission to establish an Education Institution upto Primary/Upper Primary, the requisite formalities are as under:

"Required documents/certificates to establish an Educational Institution up to Primary/Upper Primary/ Secondary level

1. Should be apply through Online: https:/schooledu.telangana.gov.in/

2. **Inspection fee** : **Should be remit through challan**

Time limit (preceding year)	Up to Pre-primary/Primary/Upper Primary	Up to Secondary level
As on 31st October	Rs. 10000/-	Rs.20000/-
As on 30th October	Rs.20000/-	Rs.30000/-
As on 31st October	Rs.30000/-	Rs.40000/-

3. School Endowment fund : Should be deposited through NSCs (Post office) & pledge the same in favour of Dist. Educational Officer

Up to Pre-primary/Primary/Upper Primary	Up to Secondary level
Rs.25000/-	Rs.50000/-

4. Copy of Educational Society & By-laws

5. Land particulars : If it is own, Registered Sale deed copy} in favour of School
If it is on rent, Registered Lease copy} Educational Society

6. Playground particulars (with plan & documental evidence)

7. School building approved plan copy

8. No Objection Certificates : 1. Fire NOC
2. Traffic NOC
3. Municipal/ GP NOC

9. Structural soundness certificate :

10. Sanitary Certificate :

11. School building Sketch plan

12. Staff particulars with their qualification certificates

13. School Fee Structure

14. School Salary Structure

15. Surrounding schools list

16. School building & Playground colour photographs

17. List of Library books

18. List of laboratory equipment

19. List of Science models

20. List of audio & video material

21. List of Paly material

22. List of Furniture

23. School Bank account details

24. Declarations : 1. Following the Time to Time Government instructions
2. Safe Drinking water
3. Grills to the balconies
4. Zebra crossing in front of school building
5. Providing escort to the children while crossing the road
6. Will fallow the Govt. Text Books
7. Will follow the vacations, holidays and midterm as per Govt., orders
8. Providing the suggestion & complaint box at School premises
9. Providing of First aid box at school premises
10. Following the Students safety & security guidelines in terms of G.O.Ms.No.36 Dated: 16.12.2017 "

The appellant has not filed any document to show that any such requisite information and formalities were completed. Thus, no fault can be found in the impugned order, more so, when the Department is directed to make endeavour to accommodate the pupil studying in the said school.

6. We have heard learned counsel for the parties at length.

7. Rule 7 of the Rules nowhere specifies about the deemed permission. Rule 7 reads thus:

> **7. Scrutiny and Grant of Permission:**
>
> (1) On receipt of an application the competent authority shall cause such verification of the proposal as is necessary and shall communicate the decision thereof by the 31st January. In case of refusal of permission the order shall contain reasons.
>
> (2) The grant of permission shall be in Form II.

8. Rule 8, on which reliance is placed, shows that the permission granted or deemed to have been granted under Rule 7 by the competent authority is valid only upto the end of July of every year. Firstly, there exists no material to show that permission was either expressly or impliedly granted under Rule 7 of the Rules. Secondly even assuming it was granted, its life

came to an end in July, 2024. For this reason, no error can be found in the action of the Department in directing the appellant to close the school. Learned Single Judge has taken a plausible view which does not warrant any interference.

9. The appeal sans substance and is hereby **dismissed**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri K. Mallikarjun, Advocate [OPUC]
2. Two CCs to GP for School Education, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CD Copies

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HIGH COURT

DATED:19/02/2025

JUDGMENT

WA.No.212 of 2025



DISMISSING THE WRIT APPEAL

WITHOUT COSTS

(6)

24/3/25