

PHON'BLE THE ACTING CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE
AND
THE HONOURABLE SRI JUSTICE VILAS V.AFZULPURKAR

PUBLIC INTEREST LITIGATION NO.272 OF 2012

Dt: 06-08-2012.

Between:

THE A.P. RECOGNIZED SCHOOLS'
MANAGEMENTS ASSOCIATION
REP. BY ITS PRESIDENT
S.SRINIVAS REDDY
R/O 3-18-224, PRAGATHINAGAR,
RAMANTHAPUR,
HYDERABAD

.. PETITIONER

AND

GOVT. OF A.P. REP. BY ITS
CHIEF SECRETARY TO GOVT.,
SECRETARIAT,
HYDERABAD
AND OTHERS

.. RESPONDENTS

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

MONDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWELVE

PRESENT:

THE HON'BLE SRI PINAKI CHANDRA GHOSE, THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

PUBLIC INTEREST LITIGATION :272of 2012

Between:

THE A.P. RECOGNIZED SCHOOLS' MANagements ASSOCIATION
rep. by its president, S. Srinivas Reddy, S/o. late Chandra Reddy, aged about
60 years, R/o. 3-18-224, Prgathinagar, Ramanthapur, Hyderabad.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, rep. by its Chief Secretary to Government, Secretariat, Hyderabad.
- 2 The Government of Andhra Pradesh, rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
- 3 The Director General and Inspector General of Police, Lakdikapul. A.P., Hyderabad.
- 4 A.P. Congress Committee, rep. by its President, Gandhi Bhavan, Hyderabad.
- 5 The Telugu Desam Party rep. by its President, N.T.R., Trust Bhavan, Banjara Hills, Hyderabad
- 6 The Communist Party of India rep. by its Secretary, Maqdoom Bhavan, Himayathnagar, Hyderabad.
- 7 The Communist Party of India (M), Rep. by its State Secretary, Himayathnagar, Hyderabad
- 8 The Bharatiya Janata Party rep. by its State President, A.P. Kattalamandi, Hyderabad.
- 9 The Telengana Rashtriya Samithi, Rep. by its President, Road No.12, Banjara Hills, Telengana Bhavan, Hyderabad.
- 10 Akhila Bharath Vidyadarthi Parishad Rep. by its President/General Secretary, O/o. the B.J.P.State Unit Building, Kattalamandi, Hyderabad.
- 11 The National Students Union, rep. by its State President/General Secretary, O/o. Gandhi Bhavan, Hyderabad.
- 12 All India Students Federation, A.P. State Unit Rep. by its State President/General Secretary, Maqdoom Bhavan, Himayathnagar, Hyderabad.
- 13 Students Federation of India, A.P. State Union rep. by its President/General Secretary, Himayathnagar, Hyderabad.
- 14 The Progressive Democratic Students Union rep. by its President/General Secretary, Osmania University Campus, Hyderabad.
- 15 The Osmania University Joint Action Committee, Rep. by its Convenor, Osmania University Campus, Hyderabad.
- 16 The Telengana Joint Action Committee, rep. by its Convenor Prof. A Kondanda Ram, Osmania University Campus, Hyderabad.

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Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate Writ, suit or direction, more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned action of the Respondents 1 to 3 in not taking proper and effective steps in preventing the Bandh calls being given by the Respondents targeting only the Education Institutions at Primary and Secondary level as the one failing in discharge of constitutional obligations affecting the fundamental rights of the students community guaranteed under Constitution of India and various provisions under right to Education Act and consequently direct the respondents to 1 to 3 to take all those necessary and effective steps to prevent the bandh calls being given by the respondents 4 to 16 targeting only the education institutions at Primary and Secondary Institutions.

Counsel for the petitioner : SRI K. RAM REDDY

Counsel for the respondents 1 to 3 : GP FOR HOME

Counsel for Respondents 4 to 16; NONE APPEARED

The Court made the following :ORDER

HON'BLE THE ACTING CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE
AND
THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

PUBLIC INTEREST LITIGATION NO.272 OF 2012

ORDER: (Per THE ACTING CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE)

It appears that this writ petition has been filed in the Public Interest Litigation jurisdiction stating that a Writ of Mandamus should be issued declaring the impugned action of respondent Nos.1 to 3 in not taking proper and effective steps in preventing the bandh calls given by the other respondents targeting only the educational institutions at primary and secondary level.

It appears that the writ petitioner did not even approach the said authorities against whom a Mandamus has been prayed for. We find from the affidavit, which has been filed in support of this petition, that the writ petitioner has stated that in all the bandh calls organised, the educational institutions alone are being targeted by the political parties being respondent Nos.4 to 16. It has also been stated that the educational institutions had suffered for the last academic year for almost 40 bandh calls, which were given by the said political parties. In these circumstances, it is submitted that the rights of the student community should be protected by respondent Nos.1 to 3 giving all protection to the educational institutions to carry on their institutes even during such bandh calls.

In our opinion, at this stage, the petitioner should have approached the Director General of Police and the Home Secretary of the State for this purpose seeking protection of such situation.

The petitioner did not take any steps earlier when the bandhs were called and they were affected and there was no representation being made for taking any steps by the respondent Nos.1 to 3, which is not disclosed in the writ petition. In these circumstances, we give liberty to the petitioner to approach the respondent Nos.2 and 3, who shall take further steps in the matter in accordance with the provisions of law.

This Public Interest Litigation is disposed of on the above terms.

SD/-S.SUBBA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

(W)
SECTION OFFICER

To

- 1 The Chief Secretary to Government, Government of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The Principal Secretary, Government of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
- 3 The Director General and Inspector General of Police, Lakdikapul, A.P., Hyderabad.
- 4 The President, A.P. Congress Committee, Gandhi Bhavan, Hyderabad.
- 5 The President, Telugu Desam Party, N.T.R., Trust Bhavan, Banjara Hills, Hyderabad
- 6 The Secretary, Communist Party of India, Maqdoom Bhavan, Himayathnagar, Hyderabad.
- 7 The State Secretary, Communist Party of India (M), Himayathnagar, Hyderabad
- 8 The State President, Bharatiya Janata Party, A.P. Kattalamandi, Hyderabad.
- 9 The President, Telengana Rashtriya Samithi, Road No.12, Banjara Hills, Telengana Bhavan, Hyderabad.
- 10 The President/General Secretary, Akhila Bharath Vidyadathi Parishad O/o. the B.J.P.State Unit Building, Kattalamandi, Hyderabad.
- 11 The State President/ General Secretary, National Students Union, O/o. Gandhi Bhavan, Hyderabad,
- 12 State President/General Secretary, All India Students Federation, A.P. State Unit, Maqdoom Bhavan, Himayathnagar, Hyderabad.
- 13 President/General Secretary, Students Federation of India, A.P. State Union, Himayathnagar, Hyderabad.
- 14 The President/General Secretary, Progressive Democratic Students Union, Osmania University Campus, Hyderabad.
- 15 The Convenor, Osmania University Joint Action Committee, Osmania University Campus, Hyderabad.
- 16 The Convenor Prof. Kondanda Ram, Telengana Joint Action Committee, Osmania University Campus, Hyderabad.
- 17 Two C.C's to the Government Pleader for Home, High Court of A.P., Hyderabad (OUT)
- 18 One C.C. to Sri. K. Ram Reddy, Advocate (OPUC)
- 19 Two CD Copies

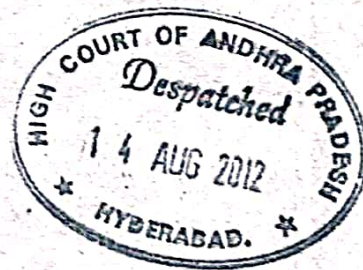
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HIGH COURT

DATED:06/08/2012

JUDGEMENT

PIL. No. 272 of 2012



Disposing of the PIL.

AJY (2)
u. R. D.