

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

MAIN CASE No. W.A.No.288 of 2024

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
24.	25.09.2025	<u>DEV,J & AHHS,J</u> <u>W.A.No.288 of 2024</u> Heard Sri Dammalapati Srinivas, learned Advocate General for the State of Andhra Pradesh, Sri Challa Dhananjaya, learned Additional Solicitor General appearing for the Union of India, Sri A.Satya Prasad, learned Senior Counsel and Sri K.S.Murthy, learned Senior Counsel as <i>Amicus Curiae</i> and perused the record. Sri Challa Dhananjaya, learned Additional Solicitor General appearing for the Union of India by placing written instructions from the Central Government along with relevant portion of the frame work for implementation of Samagra Shiksha, which is an integrated scheme for School Education, would submit that in the policy itself, it is made clear that, all State/UTs are expected to have a permanent and professional cadre of subject-wise teachers. Ad hoc or temporary appointments of teachers need to be discouraged. Adhoc or temporary appointments	

		without following the regular recruitment process almost invariably result in poorly qualified teachers causing adverse impact on quality of education. Relying on these conditions in the scheme, the learned Senior Counsel submits that, it is for the State Government to take steps for recruitment of the teaching faculty on permanent basis by discouraging any adhoc or temporary appointment to impart quality education to the students studying in the Kasturba Gandhi Balika Vidyalaya. On the other hand, Sri Dammalapati Srinivas, learned Advocate General for the State of Andhra Pradesh, relying on the office memorandum dated 26.02.2024 issued by the Government of India, Ministry of Education, would submit that, the Central Government in the said memorandum, sub-clause (viii) of para No.4, imposed a condition that while releasing the amounts as extracted herein under:- “No permanent posts shall be created under the Samagra Shiksha funds. Project positions for implementation of Samagra Shiksha would be temporary, up to the duration of the project only.”	
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		Learned Advocate General further contends that as the Central Government is funding 60% for implementation of the scheme and State Government is funding only 40%, the State Government has to strictly follow the instructions of the Central Government. Sri K.S.Murthy, learned Senior Counsel as <i>Amicus Curiae</i> sought time to place a comprehensive note on this aspect by the next date of hearing, considering all the aspects. Admittedly, this scheme is introduced in the year 2004 for the benefit of children belongs to SCs, STs, EWSs, Minorities and other marginal sections of the Society, who came from the rural areas and the remote areas to extend quality education to them to come up in their lives. The aim and objective of the Government of India in establishing such scheme is very much laudable. On considering all the facts and circumstances of the case and material available on record, it appears that the Central and State Governments had spent thousands of crores of rupees from 2004 to till date, out of the public exchequer to implement the scheme. But it appears	
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	the aim and object in establishing this scheme is not achieved till date and the real benefit has not been extended to the really needy persons, in view of the fact that even after 21 years of establishing the schools, the students are being imparted education with adhoc and temporary teaching faculty. There is no doubt that without the permanent qualified faculty, none can expect quality education is being imparted to the students studying there. After hearing the Additional Solicitor General and perusing the material placed on behalf of the Central Government before this Court, there is an inconsistent stand with the Central Government and the State Government. Now, both Governments are blaming each other. For example, if the Central Government instructed the State Government by official memorandum dated 26.02.2024 not to appoint any teachers on permanent basis, it has to be followed by the State Government only from 2024. But the reasons are not submitted by the State Government so as to why they are not implementing the scheme in true letter and spirit with the conditions imposed by the Central Government to	
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		discourage the adhoc and temporary teachers' appointment. In our view, very serious issues are to be dealt in this appeal, considering the inconsistent stands of the State and Central Governments. Already sufficient opportunity is provided to both of them, to file their affidavits and to place proper information before this Court. But, correct information is not provided by both of them. In view of the above, in our considered view, it is appropriate and reasonable to call the Principal Secretaries of the concerned departments of the State and Central Governments before this Court, to clarify the inconsistent stands taken by them in implementation of the scheme on the next date of hearing for proper adjudication of the issue. Accordingly, the Principal Secretary/Secretary of the concerned department in the Government of India and Principal Secretary of School Education Department, Government of Andhra Pradesh, shall appear before this Court on the next date of hearing with all clarifications and to substantiate their stand with respect to the implementation of the scheme	
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		with true letter and spirit. Learned counsels appearing for the State and the Central Governments shall inform this order to the concerned officers. Post the matter on 14.10.2025, under the caption of “part-heard”. Copy of this order shall be marked to the <i>Amicus Curiae</i>. DEV, J AHHS,J <u>Note:-</u> Issue C.C by 25.09.2025 B/o :- SCS	
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