

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

AND

THE HONOURABLE SRI JUSTICE V SRINIVAS



IA No. 2 OF 2023

IN

WA NO: 267 OF 2023

Between:

1. The State of Andhra Pradesh, represented by its Secretary, School Education Department, Secretariat, Velagapudi, Guntur District.
2. The Commissioner of School Education, Government of Andhra Pradesh, Ibrahimpatnam, Vijayawada, Krishna District.
3. The Regional Joint Director of School Education, Kakinada, East Godavari District.
4. The District Educational Officer, Kakinada, East Godavari District.
5. The Manager and Moderator Bishop, A.E.L.C. Educational Institutions, Guntur District.

.... Appellants / Respondents
in WP No. 36143/2017

AND

1. Kommu Niveditha D/o K.Babu Rao Working as School Assistant, Mathematics, A.E.L.C Management Schools, East Godavari District R/o Narayanapuram, Rajamahendravaram.
2. Janapalli Eliza D/o J.Venkata Ratnam Working as School Assistant, Mathematics, A.E.L.C Management Schools, East Godavari District R/o Municipal Colony, Rajamahendravaram
3. Isukapati Esther Veeramani D/o I. Yacob Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Alcot Gardens, Rajamahendravaram.
4. Martha Sujatha Susan D/o M. Sam Sundaram Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Lalitha Nagar, Rajamahendravaram

5. Mylabathula Meena Moses D/o M.Prabhu Das Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Lalitha Nagar, Rajamahendravaram
6. Bantu Grace Pushpa Latha, W/o D.Raja Kumar Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Korlammipeta
7. Musunuri Narish Sudhakar S/o M.Sundararao Working as School Assistant, Physics, A.E.L.C Management Schools, East Godavari District R/o Maarkondapadu, Kovvuru Mandal, West Godavari District.
8. Tatiparthi Mary Josephamma D/o T.Samuel Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Ramakrishna Nagar, Rajamahendravaram
9. Oggi Suhasini D/o O. John Abraham Babu Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Mallayyapeta, Rajamahendravaram.
10. Mallela Mary D/o M.Aseervadam Working as Language Pandit Grade – II Hindi, A.E.L.C Management Schools, East Godavari District R/o Lalitha Nagar, Rajamahendravaram
11. Marumudi Amrutha Vani D/o M.Kantha Rao Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Luthergeri, Rajamahendravaram.
12. Nalli Nagamani D/o N.Chandra Rao Working as School Assistant (Biology), A.E.L.C Management Schools, East Godavari District R/o Sakhinetipalli, E.G. District
13. Nethala Syam Bharat S/o N.V.S.V. Prasada Raju Working as School Assistant, Mathematics, A.E.L.C Management Schools, East Godavari District R/o Sakhinetipalli, E.G. District
14. Ganta Solomon Raju S/o G.Dharma Rao Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Sakhinetipalli, E.G. District
15. Tatiparthi Urdu Raju S/o T.Samuel Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Sakhinetipalli, E.G. District
16. Kollabathula Sudarshana Kumar S/o K. Surya Rao Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Palakollu, E.G. District
17. Pare Jhanashi Lakshmi D/o P.Sri Ramulu Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Sakhinetipalli, E.G. District.

18. Chinthamalla Yesaiah, S/o Ch. Daniel Working as Language Pandit Grade -II (Telugu), A.E.L.C Management Schools, East Godavari District R/o Sakshinetipalli, E.G. District

19. Challa Subhshini, D/o Ch. Devedanam Working as Secondary Grade Teacher, A.E.L.C Management Schools, East Godavari District R/o Navabharat Nagar, Rajamahendravaram

...Respondents/Writ Petitioners

20. The State of Andhra Pradesh, Represented by its Principal Secretary, Finance Department, Secretariat, Velagapudi, Guntur District.

...Respondent/Respondent

Counsel for the Petitioners :GP for School Education

Counsel for the Respondents :Sri K.G. Krishna Mohan, learned Senior Counsel for Sri K Rama Mohan

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 suspend the operation of order of Hon'ble Single Judge dated: 14.11.2022 in W.P.No.36143 of 2017, pending disposal of WA No. 267 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER:

"This Court has heard learned Government Pleader for School Education and Sri K.G.Krishna Murthy, learned senior counsel for Sri K.Rama Mohan, learned counsel for the respondents."

Learned Government Pleader argued the matter at length and points out that vital issues raised in the counter affidavit about the permission sought etc., were not considered by the learned single Judge. He also brought to the notice of this Court the Rules, which are provided for in G.O.Ms.No.1 dated 01.01.1994 which mandate that the presence of the District Education Officer's nominee is compulsory. It is also pointed out that all the appointments are subject to the approval of the competent authority and that even minority institutions should follow the stipulations.

In reply to this, learned counsel for the respondents points out that Educational Institutions sought the permission of the District Educational Officer for nominating a member as the nominee and as he did not attend; the school went ahead with the proposed selections. It is also pointed out that clause 12(5) of G.O.Ms.No.1 states that the selection shall not be vitiated only

on the ground of absence of the District Educational Officer nominee. It is pointed out that the order passed is a reasoned order after considering all the submissions.

After perusing the contents of the affidavits, counter and documents, this Court notices that the important issue raised by the respondents is about the letter dated 24.05.2003 by which it is stated that permission was sought from the District Educational Officer for constituting a staff selection committee. In the counter affidavit filed, it is mentioned that this document of 24.05.2003 was only received in June, 2004. The same is also borne out by the letter dated 15.11.2016. This is a matter which in the opinion of this Court requires further study and investigation. Even the delay in the submission of the proposal by the school as highlighted in the counter is a factor which needs to be considered with greater depth. Lastly, the interpretation of clause 13 (5) in particular G.O.Ms.No.1 which states that the quorum of the staff selection committee shall be four (4), of which the presence of the nominee of the District Education Officer is compulsory should be reconciled with Clause 12 (5).

For all these reasons, there shall be an interim suspension as prayed for."

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. Kommu Niveditha, D/o K.Babu Rao Working as School Assistant, Mathematics, A.E.L.C Management Schools, East Godavari District R/o Narayanapuram, Rajamahendravaram.
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20. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.(1 to 20 By RPAD)
21. Two CCs to GP for School Education, High Court of AP [OUT]
22. One CC to Sri. K Rama Mohan, Advocate [OPUC]
23. Two Spare Copies.

MSB

HIGH COURT

DVSS,J
&
SV,J

DATED:20/06/2023

ORDER

LIST THE WRIT PETITION IN ITS USUAL COURSE

IA NO.2 OF 2023
IN
WA.No.267 of 2023

INTERIM SUSPENSION

