

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE No.W.P.No.6454 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
2.	09-03-2026	<u>VN, J</u> 1. Notice before admission. 2. The present Writ Petition is filed questioning the impugned Proceedings issued by Respondent No.2 <i>vide</i> Rc.No.195-2/A3/2024 (DEO), dated 24.02.2026 appointing the Deputy Educational Officer, Bhimavaram, as Special Officer to the Petitioner-institution, as illegal and arbitrary. 3. The facts, in brief, are as follows; The Petitioner being an educational institution had earlier filed W.P.No.29975 of 2023 before this Court questioning the action of Respondents in not granting permission to fill up vacant Aided posts in the Petitioner-institution despite representation dated 14.11.2023 to fill up 10 vacant Aided posts in the Petitioner-School. The said Writ Petition was disposed of on 21.11.2023 in terms of the Common Order dated 05.01.2023 passed by this Court in W.P.No.30927 of 2022 and batch. 4. As the Order in W.P.No.29975 of 2023 was not being complied, the Petitioner filed C.C.No.1500 of 2024 before this Court.	

		Thereafter, the Government issued a Memo dated 06.06.2024 according permission to the Commissioner of School Education to permit the Petitioner-institution to fill up the vacant Aided posts. In turn, the Commissioner of School Education had communicated the same to the Regional Joint Director of School Education, Kakinada for taking necessary action. 5. Thereupon, the Petitioner submitted proposals for filling up of vacant Aided teaching posts on 12.05.2025. Thereafter, a Committee was constituted and a Press Notification was issued in Eenadu & The new Sunday Express on 20.07.2025 calling for applications for filling up of vacant Aided posts from the persons aspiring for appointment in the vacant Aided posts. 6. The Regional Joint Director of School Education on 06.08.2025 had instructed to update the information in CSC web portal for intimating the candidates and conducting examination. As the orders were not being complied, instructions were issued to issue notice to the Correspondent of the Petitioner-institution. 7. Accordingly, a notice was issued to the Petitioner. In response, the Petitioner had submitted reply requesting the processing of applications received through employment exchange/register post/if any manual mode for	
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	filling up the vacant Aided posts and permission be accorded in compliance of the directions of this Court. 8. While so, the Regional Joint Director of School Education, Kakinada had directed the District School Educational Officer to place the matter before the District Collector for initiating action to change the Correspondent of the Petitioner-School by issuing a notice for non-compliance and disobedience of the Rules. 9. In the meantime, the District School Educational Officer had issued a final notice to the Petitioner-institution on 22.12.2025 to furnish the applications received through employment exchange/register post/if any manual mode for updating the information in CSC web portal on or before 31.12.2025 and to extend the cooperation to the Department. 10. Pursuant thereto, the Petitioner gave another reply stating that the issues urged in the final notice are misconceived and liable to the deferred in view of subsisting judicial proceedings. Thereafter, the impugned order came to be passed on the premise that the Department had given number of opportunities to the Petitioner-institution to furnish the applications received through employment exchange/register post/if any manual mode for updating the information in CSC web portal for	
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		taking further action with regard to the recruitment process. Hence, the present Writ Petition is filed. 11. The learned counsel for the Petitioner submits that the impugned order cannot be sustained, as the District Collector is not the competent authority and secondly the counsel for the Petitioner submits that the reason for passing of the impugned order runs contrary to the direction of this Court in W.P.No.29975 of 2023, dated 21.11.2023, which was passed following the order in W.P.No.30927 of 2022 and batch, dated 05.01.2023. 12. The learned counsel for the Petitioner further submits that the validity of G.O.Ms.No.30, School Education (PS) Department, dated 11.07.2025 wherein certain amendments were brought in to <i>Rule 12 of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Management) Rules, 1993</i> and interim orders were passed by this Court permitting the institutions to fill up the vacancies, which would be subject to the outcome of the Writ Petitions. As the challenge to the G.O.Ms.No.30, dated 11.07.2025 is under serious challenge before this Court the impugned order cannot be sustained.	
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		13. The learned Assistant Government Pleader for School Education appearing for the Respondents submits that the amendment was brought in to the Andhra Pradesh Education Act, 1982 <i>vide</i> G.O.Ms.No.14, dated 24.02.2006, whereunder the District Collector was also shown as the '<i>Competent Authority</i>' for the purpose of exercising power under Section 24 of the A.P. Education Act, 1982. 14. As regards, the merits of the impugned order, the learned Assistant Government Pleader submits that the impugned order need not be faulted, as the appointments to the vacant Aided posts have to be made with reference to the Rules as on date and since the appointments to the vacant Aided posts in the Petitioner-institution were being made, the Rules existing as on date should be followed. 15. The learned counsel for the Petitioner further submits that the Petitioner being the management cannot have a say in the manner in which appointments have to be made and that the amendments in G.O.Ms.No.30, dated 11.07.2025 bring any more transparency in the recruitment process and the conduct of the Petitioner-institution warrants no interference. 16. Heard the respective counsel.	
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		17. Firstly, the “District Collectors” were permitted to exercise the power under Section 24 of the A.P. Education Act, 1982 as per the amendment brought in <i>vide</i> G.O.Ms.No.14, Education (SE-PS.1) Department, dated 24.02.2006, therefore this contention of the Petitioner cannot be sustained. 18. On merits, the impugned order was passed in exercise of power under <i>Section 24(3) (a)</i> of the A.P. Education Act, 1982. The Section 24 of the A.P. Education Act, 1982 contemplates that where the management is responsible for the lapses or irregularities of the institution, a Special Officer can be appointed till the reconstitution of the management. The Section 24(3)(a) of the A.P. Education Act, 1982 reads as under; <i>“24. Appointment and removal of manager of private institution:-</i> <i>(1)</i> <i>(2)</i> <i>(3)(a)</i> <i>Where the competent authority is satisfied that the management is responsible for the <u>lapses</u> or <u>irregularities</u> of the institution, the competent authority may, after giving to such management an opportunity to make representation and for reasons to be recorded in writing suspend the</i>	
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		<i>management and appoint a special officer till the reconstitution of the management:</i> <i>(b)</i> 19. In this case, the impugned order came to be passed, as the Petitioners were not complying with Rule 12 of the <i>Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Management) Rules, 1993 as amended vide G.O.Ms.No.30, dated 11.07.2025</i> whereunder the process of appointments in vacant Aided posts in private educational institutions was altered. 20. The issue whether the amendments to G.O.Ms.No.30, 11.07.2025 would be applicable to the Petitioner-institution and the institutions similarly placed, is a matter of serious challenge in this Court in a batch of Writ Petitions, which are pending before Division Bench as well as Coordinate Benches depending on the nature of relief. Prior to the issuance of G.O.Ms.No.30, dated 11.07.2025 there were spate of litigations with regard to the manner of filling up of vacancies of Aided posts. In this situation, it would be odd to say that the difference in the point of view of school managements and department would amount to '<i>lapses or irregularities of the institution</i>' as required to	
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		exercise power under Section 24(3)(a) of the Education Act,1980. 21. Under the guise of exercise of power under Section 24(3)(a) of the Education Act, 1980, the District Collector could not have imposed an one sided view when the validity of G.O.Ms.No.30, dated 11.07.2025 is in fluidic state. 22. Therefore, the impugned Proceedings issued by Respondent No.2 <i>vide</i> Rc.No.195-2/A3/2024 (DEO), dated 24.02.2026 is hereby suspended for a period of eight (8) weeks. 23. Post this case after six (6) weeks. _____ VN, J IS	
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