

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010142782026

IN THE HIGH COURT OF ANDHRA



PRADESH

[3603]

AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 360/2026

Writ Appeal under clause 15 of the Letters Patent be pleased to allow the present writ appeal by setting aside the order of the Learned Single Judge dt 07-10-2025 passed in W.P.No.24744 of 2023 and pass such

Between:

1. THE STATE OF ANDHRA PRADESH,, REP BY ITS SPL.CHIEF SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
2. THE COMMISSIONER OF SCHOOL EDUCATION,, IBRAHIMPATNAM, VIJAYAWADA.
3. THE COLLECTOR AND DISTRICT MAGISTRATE,, GUNTUR DISTRICT, GUNTUR.
4. THE REGIONAL JOINT DIRECTOR OF SCHOOL EDUCATION, GUNTUR, GUNTUR DISTRICT.
5. THE DISTRICT EDUCATIONAL OFFICER,, GUNTUR DISTRICT.
6. THE DISTRICT EDUCATIONAL OFFICER,

NARASARAOPET,PALNADU DISTRICT

...APPELLANT(S)

AND

1.CHATIA BHAGYAM, D/O CH VENKAIAH, AGED 51, OCC
SCHOOL ASSISTANT, SPL EDU
ZPHSRENTALA.RENTACHINTALA MANDAL PALNADU
DISTRICT.

2.SARA KURAPATI, D/O MOHAN RAO KURAPATI, AGED 45
YEARS R/O H.NO.10-2-57, NEW 10-916 INDIRA COLONY
CHENCHUPETA TENALI, GUNTUR DISTRICT

...RESPONDENT(S):

IA NO: 1 OF 2026

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 may be pleased to dispense with the filing of a certified copy of the order dated 17.10.2025 passed in W.P. No. 24744 of 2023 and pass such

IA NO: 2 OF 2026

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 may be pleased to condone the delay of (131) days in preferring the above writ appeal against the order passed in WP.No.24744 of 2023 dated: 07-10-2025 and pass such

IA NO: 3 OF 2026

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 may be pleased to suspend the operation of the order of Learned Single Judge passed in WP.No.24744 of 2023 dated: 07-10-2025, pending disposal of the above writ appeal and pass such

Counsel for the Appellant(S):

1.GP FOR SCHOOL EDUCATION

Counsel for the Respondent(S):

1.ARUN SHOWRI G

2.OMKAR D

The Court made the following:

//TRUE COPY//

D RAMESH,J

ALAPATI GIRIDHAR,J

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

To,

1.CHATIA BHAGYAM, D/O CH VENKAIAH, AGED 51, OCC
SCHOOL ASSISTANT, SPL EDU
ZPHSRENTALA.RENTACHINTALA MANDAL PALNADU
DISTRICT.

2.SARA KURAPATI, D/O MOHAN RAO KURAPATI, AGED 45
YEARS R/O H.NO.10-2-57, NEW 10-916 INDIRA COLONY
CHENCHUPETA TENALI, GUNTUR DISTRICT

3.Two CD Copies

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR
WRIT APPEAL NO: 360/2026

ORDER: (Per Hon'ble Sri Justice D.Ramesh)

1. Heard the learned counsel for the appellants/respondents and the learned counsel for the respondents/petitioners.

2. The present Writ Appeal is filed aggrieved by the order dated 07.10.2025 passed by the learned Single Judge in W.P. No.24744 of 2023. While the said writ petition was taken up for final disposal, no notice was served upon the 2nd respondent herein, who was arrayed as the 7th respondent in the writ petition. Notwithstanding the absence of notice to the said respondent, the learned Single Judge proceeded to allow the writ petition and issued the following directions:

20. Hence, the present Writ Petition is allowed with the following directions;

(i) The impugned Proceedings in Rc.No.2919/A2/2022, dated 11.09.2023 issued by Respondent No.5 is set-aside;

(ii) The Petitioner shall be reinstated into service as School Assistant (Special Education) within a period of two (2) months from today;

(iii) The Petitioner shall not be entitled for the salary from the date of impugned order till the date of her reinstatement into service;

(iv) However the period from the date of impugned order till the date of reinstatement of the Petitioner shall be counted for the purpose of seniority and fixation of pay;

3. The learned counsel for the appellants/respondents has submitted that, consequent upon the termination of the writ petitioner's services, the resultant vacancy was filled by the State by appointing the 2nd respondent as School Assistant on 15.04.2024, pursuant to the directions issued by this Court in W.P. No.20917 of 2020, dated 06.12.2023. It is further contended that, despite the fact that the 2nd respondent herein had already been appointed pursuant to the orders passed by this Court, the learned Single Judge proceeded to allow the writ petition without issuing prior notice to the 2nd respondent herein, who was the 7th respondent in the writ petition as an affected party. It is also submitted that the learned Single Judge did not take into consideration the earlier order passed by this Court in W.P. No.20917 of 2020.

4. He further submits that, in view of the appointment of the 2nd respondent against the resultant vacancy, the State is facing

difficulty in implementing Direction No.(ii) of the order dated 07.10.2025 passed in W.P. No.24744 of 2023, directing the reinstatement of the writ petitioner, as the said vacancy to which reinstatement has been directed has already been filled in compliance with the earlier directions issued by this Court in W.P. No.20917 of 2020.

5. Considering the submissions made on either side, this Court finds that no notice was served upon the 2nd respondent herein (who was arrayed as the 7th respondent in the writ petition) before the learned Single Judge adjudicated the writ petition, notwithstanding the fact that the order sought to be passed was likely to affect the rights accrued to the said respondent pursuant to the earlier orders of this Court. Since the impugned order has been passed without affording an opportunity of hearing to the 2nd respondent, who is a necessary and affected party, this Court is of the considered opinion that the matter deserves to be remitted to the learned Single Judge for fresh consideration after providing an opportunity of hearing to all the necessary parties.

6. Accordingly, the writ appeal is allowed by setting aside the impugned order dated 07.10.2025 passed in W.P. No.24744 of

2023, and the matter is remanded to the learned Single Judge for fresh consideration. The learned Single Judge shall issue notice to the 2nd respondent herein, who was arrayed as the 7th respondent in the writ petition, afford all concerned parties a reasonable opportunity of hearing, take into consideration of the earlier order passed by this Court in W.P. No.20917 of 2020, and thereafter pass appropriate orders in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

JUSTICE ALAPATI GIRIDHAR

Date: 08.07.2026

klk

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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W.A.No.360 of 2026

Dated: 08.07.2026

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