



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11611/2013

Between:

1. S.S. NAGESWARA RAO S/O VENKATRAO, OCC: AIDED SCHOOL ASSISTANT R/O H.NO.23-18-18, VYAKARANAMVARI STREET, SATYANARAYANAPURAM, VIJAYAWADA, KRISHNA DISTRICT.
2. K.B.V. SESHAGIRI S/O K.L.N. SASTRY, OCC: AIDED SECONDARY GRADE TEACHER, R/O H.NO.24-18-45, SARABAI AH TEMPLE STREET, DURGAPURAM, VIJAYAWADA, KRISHNA DISTRICT.

...PETITIONER(S)

AND

1. THE GOVERNMENT OF ANDHRA PRADESH, REP. BY THE PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPT. A.P. SECRETARIAT, HYDERABAD.
2. THE COMMISSIONER AND DIRECTOR OF SCHOOL EDUCATION, ANDHRA PRADESH, HYDERABAD.
3. THE REGIONAL JOINT DIRECTOR OF SCHOOL EDUCATION, KAKINADA, EAST GODAVARI DISTRICT.
4. THE DISTRICT EDUCATIONAL OFFICER, KRISHNA DISTRICT AT MACHILIPATNAM.
5. SREE SARADA VIDYANILAYAM HIGH SCHOOL, AYODHYANAGAR, VIJAYAWADA, KRISHNA DISTRICT REP BY THE CORRESPONDENT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not approving the case of the 1st petitioner for promotion to the post of Head Master from the feeder category i.e. School Assistant (Maths) w.e.f. 1.7.2004 in the existing vacancy available in the 5th respondent school due to retirement of Sri K.Chalapathi Rao, Head Master on 30.6.2004 and also in not approving the case of the 2nd petitioner for promotion to the post of Aided School Assistant (Maths) from feeder category, basing on the proposals submitted by the 5th respondent school on 28.4.2005 on the ground that ban imposed by the Government on recruitment vide Govt. Memo No.12080/COSE/A2/2004 dt: 20.10.2004 and its clarification Govt. Memo No.8544/PS-1/2005-2 dt: 13.9.2005 as illegal, arbitrary, discriminatory, violative of principles of natural justice and also violative of Articles 14, 16 and 21 of the Constitution of India apart from contrary to the Judgment of Hon'ble Supreme Court of India reported in (2011) 9 SCC-613 and consequently direct the respondents to approve the promotions of the 1st petitioner for the post of Head Master w.e.f. 1.7.2004 in 5th respondent school and also to approve the promotion of the 2nd petitioner for promotion to the post of aided School Assistant (Maths) from feeder category to higher post with all consequential benefits and pass

IA NO: 1 OF 2013(WPMP 14382 OF 2013)

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 direct the respondents to consider the cases of the petitioners for promotion to the posts of Head Master and aided School Assistant (Maths) respectively from the feeder category to higher posts in the 5th respondent school without insisting the ban imposed by the Government vide Govt. Memo No.12080/COSE/A2/2004 dt:20.10.2004, pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

1.GANGISETTY RAJESWARA RAO

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION

The Court made the following:

:: ORDER ::

Heard Sri Gangisetty Rajeswara Rao, learned counsel for the petitioner and Smt. P. Lakshmi, learned Assistant Government Pleader, School Education, appearing for respondents 1 to 4.

2. The above writ petition was filed to declare the action of the respondents in not approving the case of petitioner No.1 for promotion to the post of Head Master from the feeder category i.e. School Assistant (Maths) w.e.f. 01.07.2004 in the existing vacancy in respondent No.5 school and the case of petitioner No.2 to the post of aided School Assistant (Maths) from feeder category i.e. aided secondary grade teacher post, due to the ban on recruitment, imposed by the Government vide Government Memo No.12080/COSE/A2/2004 dated 20.10.2004 and clarification Government Memo No.8544/PS-1/2005-2 dated 13.09.2005, as illegal and arbitrary.

3. The writ petition was initially listed on 17.04.2013 and adjourned on the request made by the learned Government Pleader for School Education. Subsequently, it was listed on a couple of occasions, in 2013 and on 17.04.2017. Thereafter, it was listed on 28.11.2025, and as there was no representation for the petitioners, the matter was directed to be listed today, under the caption 'for dismissal'.

4. Today, when the matter is taken up, learned counsel for the petitioners submitted that pending the writ petition, the case of petitioner No.2 was considered, and he was given promotion. He further submitted that in respect of petitioner No.1, as no post of Head Master is available, his case was not considered and he retired from service. He would thus submit that by efflux of time, the cause in the writ petition does not survive for adjudication.

5. Recording the above submission of the learned counsel for the petitioners, this writ petition is closed. No costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 05.12.2025
IKN