

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI****WRIT PETITION NO: 22063 of 2006**

P. Balaswami

...Petitioner

Vs.

Government of A.P., rep. by its Secretary, Education ...Respondent(s)
Department and Others

Advocate for Petitioner:

Sri N. SRIHARI

Advocate(s) for Respondent(s):

GP FOR EDUCATION, GP FOR
SCHOOL EDUCATION**CORAM : SRI JUSTICE CHALLA GUNARANJAN****DATE : 18th February 2026****ORDER:**

Present writ petition is filed seeking the following relief:

“...to examine the records relating to Memo No.11829/PS-II/2002 Education (PS-2) Department, dated 22.9.2006, declare that as on today no order of the Government is in force in respect of the procedure to be followed in appointing teaching staff in an aided vacancy in a Minority Educational Institution, including G.O.Ms.No.1, Education Department, dated 01.01.1994, declare that the order of ban dated 20.10.2004 does not apply to the petitioner's case, further declare that the inclusion of a government nominee in the staff Selection Committee constituted by a Minority Educational Institution is violative of Article 30 (1) of the Constitution of India, and consequently, issue a writ of Mandamus, or any other appropriate writ, order or direction, directing the respondents 1 to 4 to approve the appointment of the petitioner, ratify the same with effect from 30.11.96 and release his salary from the said date, and pass such other order or orders.”

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for School Education appearing for the respondents.

3. Learned counsel for the petitioner, while reiterating the assertions made in the affidavit filed in support of the writ petition, contended that inasmuch as petitioner has been continuously working with the 5th respondent School, he is entitled to be continued by recognising his appointment to be in consonance with the G.O.Ms.No.1, Education (P.S.2) Department, dated 01.01.1994. further, as the 5th respondent School being minority educational institution, the requirement of having Government nominee in the selection board is not mandatory, therefore, the selection and appointment of petitioner in 5th respondent School has been done validly.

4. Learned Assistant Government Pleader for School Education, appearing for the respondents 1 to 4, on the other hand, has placed on record proceedings, dated 16.07.2025, issued by the 3rd respondent by which the representation of the petitioner came to be considered in terms of interim orders, dated 21.03.2025, and the same has been rejected. It is stated that on verification of records and also the information that was elicited from 5th respondent School reveal that writ petitioner was not in service for substantial period of time, i.e. petitioner

absconded for about 10 years after 1994 and later secured fresh appointment order on 19.04.2018, however, once again, he absconded from duties from 20.04.2018. Since the initial appointment made was on temporary basis, question of treating petitioner's appointment on regular basis would not arise.

5. The said stand was duly fortified by the counter-affidavit filed by the 5th respondent as lately as in the month of January, 2025.

6. Having regard to the aforesaid submissions, considering the fact that the writ petitioner no longer continues to work with the 5th respondent School for whatever reasons, the prayer made in the writ petitioner cannot be adjudicated.

7. Accordingly, the writ petition stands dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

JUSTICE CHALLA GUNARANJAN

Date:18.02.2026.

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