



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

[3460]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 17208/2025

Between:

1. SAI SARITHA (EM AND TM) UPPER PRIMARY SCHOOL,
REP. BY ITS SECRETARY-CUM-CORRESPONDENT
SMT. SARITHA W/O VENKATA RAMPRASAD, AGED
ABOUT 41 YEARS, SHIVA NAGAR, GOPAVARAM
MANDAL, YSR KADAPA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, EDUCATION DEPARTMENT
SECRETARIAT, VELAGAPUDI, AMARAVATHI GUNTUR
DISTRICT.

2. THE DISTRICT EDUCATIONAL OFFICER, YSR KADAPA
DISTRICT.

3. THE DEPUTY EDUCATIONAL OFFICER, YSR DISTRICT.

4. THE MANDAL EDUCATIONAL OFFICER, GOPAVARAM
MANDAL, BADVEL TOWN YSR KADAPA DISTRICT.

5. LITTLE FLOWER SCHOOL, REP. BY G.VISHNUKANTH
AT SHIVA NAGAR, OPP SRI SAI SARITHA SCHOOL,.

GOPALAVARAM MANDAL, YSR KADAPA DISTRICT.

...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 Direction, more particularly the inaction of the 2nd who is running the school in violation of the A.P. Education Rules and accompanying affidavit, it is prayed that an appropriate Writ, Order in the nature of Writ of Mandamus, declaring respondent in taking action against the 5th or one respondent in front of the petitioner's school in contravention Without any valid in spite of the repeated written complaints and recognition/permission, final representation dt. 24-6- 2025, as being illegal, arbitrary, unjust direct the respondent authorities to close present place i.e., in front of the petitioner's relief or reliefs and unconstitutional and consequently the 5th respondent school from the school, and to grant such other fit and as this Honble Court deems proper in the circumstances of the case

IA NO: 1 OF 2025

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 respondent authorities to forthwith stop the 5th respondent from running the school, pending disposal of the main Writ Petition, in the interest of justice and to pass

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 receive the counter copies on record by allowing the leave petition in the above writ petition No.17208 of 2025 and pass

Counsel for the Petitioner:

1.P L RAO

Counsel for the Respondent(S):

1.GP FOR EDUCATION

2.SANDEEP BHAVAN PAMARATI

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.17208 of 2025****O R D E R:**

The present writ petition is filed declaring the inaction of Respondent No.2 in taking action against Respondent No.5 for running school without valid permission as illegal and arbitrary.

2. The Petitioner-school was established more than 10 years back with valid recognition from the authorities. The recognition was renewed from time to time and the same holds good as on date. While so, Respondent No.5 commenced construction of a school building in front of the school of the Petitioner without any permission from the authorities. It is stated that the Petitioner had earlier filed W.P.No.33360 of 2022 before this Court and the same was closed after recording the fact that Respondent No.5-School does not have any permission. In spite of the same, the School was continuing without permission. It is further stated that the Petitioner submitted written representation in Spandana grievance and instead of closing the School, explanation was sought from Respondent No.5 and no further action was taken. Hence, the writ petition.

3. In the counter affidavit filed by Respondent No.3, it is stated that Respondent No.5 had submitted proposals dated 25.06.2025 for shifting the school from Dr.No.5-1-187, Sumitra Nagar, Badvel Town, Gopavaram Mandal to D.No.5-1-216-3, Siva Nagar, Gopavaram Mandal. On that basis, a report was called from Mandal Educational Officer, Gopavaram vide Rc.No.0327/B2/2025 dated 03.09.2025. It is stated that during the pendency of the said application, Respondent No.5 started operating in the new premises without obtaining prior approval as required under G.O.Ms.No.1, Education (PS) Department, dated 01.01.1994.

4. In that context, a show cause notice was issued to Respondent No.5 and a reply was submitted on 04.06.2025 stating that the shifting application is pending before higher authorities. As no satisfactory explanation was offered by the Petitioner, vide proceedings dated 16.12.2025, penalty of Rs.25,000/- was imposed on the Petitioner for unauthorized shifting and violation of G.O.Ms.No.1 dated 01.01.1994. It is further stated that the imposition of penalty does not amount to validation of the shifting application of the Petitioner and the *post facto* approval can be granted only upon satisfaction of the

competent authority and viability as per the Rules.

5. In the counter affidavit filed by Respondent No.5, it is stated that the school was established in the year 2012 and recognition was granted for Classes I to V (EM & TM) which was valid from 2012-2013 till 2021-2022 vide proceedings of District Educational Officer. It is stated that the school was initially established at D.No.5-1-187, Sumitra Nagar, Badvel Town, Gopavaram Mandal and that the said school was suffering from poor infrastructure of the strength due to the old nature of the building. It is stated that an accident also occurred due to heavy rainfall which was reported in newspapers on 08.08.2018 and this created a need to immediately shift the school premises for the safety of the children.

6. It is further stated that after disposal of W.P.No.33360 of 2022, Respondent No.5-school was accorded permission for shifting school building from Sumitra Nagar, Badvel Town, Gopavaram Mandal to Siva Nagar, Dr.No.5-1-187, Gopavaram Mandal through proceedings of District Educational Officer dated 24.07.2023. It is further stated that recognition for the School for classes I to V (English Medium) was granted by the very same

authority on 28.10.2023 for the new shifted place of building i.e. Siva Nagar, Dr.No.5-1-187, Gopavaram Mandal. It is further stated that the Petitioner had moved applications on 25.06.2025 and 21.02.2026 to shift the School premises again to Dr.No.5-1-216-3, Siva Nagar, Gopavaram Mandal i.e. opposite the Petitioner-School. Reliance was also placed on Rule 10 (22) of G.O.Ms.No.1, dated 01.01.1994, which enables shifting within the locality for better accommodations to contend that the proposed premises and the premises for which shifting permission was granted are located in Sivanagar only, separated by Door numbers and that Petitioner cannot have any grievance on the issue of viability etc. It is further stated that there is no reason to keep the shifting applications of Petitioner pending since 25.06.2025 and 21.02.2026 onwards.

7. Heard Sri P.L.Rao, learned counsel for the Petitioner and learned Government Pleader for Education.

8. The undisputed fact is that Respondent No.5 was permitted to run the school at Sumitra Nagar, Badvel Town, Gopavaram Mandal on 17.08.2012. Subsequently, vide proceedings dated 24.07.2023, District Educational Officer granted permission for

shifting of school to Siva Nagar, Dr.No.5-1-187, Gopavaram Mandal from the academic year 2022-23 onwards for classes I to V (English Medium).

9. The Petitioner again made proposals for shifting school to Dr.No.5-1-216-3, Siva Nagar, Gopavaram Mandal, which is under consideration by the Respondent-authorities.

10. Even before the permission was accorded, Respondent No.5 had shifted the school operations to Dr.No.5-1-216-3 i.e. the present premises which is in contravention with Rule 10 (22) of G.O.Ms.No.1, dated 01.01.1994. In that context, penalty of Rs.25,000/- was also imposed on Respondent No.5 on 16.12.2025 by the District Educational Officer, YSR District. The 5th Respondent accepted the same and does not dispute the facts. The Rule 10 (22) prohibits functioning of school in places other than the place in which the permission was granted. Rule 10(22) of G.O.Ms.No.1 dated 01.01.1994 reads as under:

10 (22): That the institutions are permitted to be established (or up graded) to meet the educations needs of the respective localities, shifting of the institutions from one locality to another will not be permitted under ordinary Circumstances, as a matter of routine. However, shifting of

the institution from one building to another within the same locality of within the same town/municipal limits, may be permitted when the intention is to provide better accommodation or shifting into own building is proposed. Prior permission of the Competent Authority is required for any such shifting.

11. Though Rule 10 (22) of G.O.Ms.No.1 dated 01.01.1994 enables the authorities to grant permission within the same locality for better infrastructure facilities, till the permission is actually granted, Respondent No.5 could not have shifted the functioning of school to the said premises.

12. In the light of the above, Respondents are directed to restrain Respondent No.5 from operating the school in the premises Dr.No.2-1-216-3, Siva Nagar, Gopavaram Mandal, till permission or shifting is sanctioned by the authorities in terms of Rule 10(22) of G.O.Ms.No.1 dated 01.01.1994.

13. It is left open to the authorities to independently examine the applications of Respondent No.5 dated 25.06.2025 and 21.02.2026 for shifting.

14. With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

Date:21.04.2026
KLP

NYAPATHY VIJAY, J