

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 17581 OF 2024



Between:

1. BEM Aided High School
Rep by its Correspondent Smt. Boddi Mersibai
Municipal Colony, Rajahmundry,
East Godavari District,
Andhra Pradesh
2. Nehru Aided Schools
Rep by its Correspondent
Smt. M. Lakshmi Tulasi
Ashok Nagar, Kakinada,
Kakinada District, Andhra Pradesh.
3. Vignana Pradayani Aided UP School
Rep by its Correspondent Sri T. Srinivas
SS Metta, Rajahmundry,
East Godavari District,
Andhra Pradesh
4. Powers Aided UP School
Rep by its Correspondent Smt. V Padmaja
Andhra Nagar, Rajahmundry,
East Godavari District, Andhra Pradesh.
5. E.A.R Aided High School (TM)
Rep by its Correspondent Sri. K. Prabhakar Rao
Konthamuru, Rajahmundry Rural
East Godavari District, Andhra Pradesh.
6. EAR Aided Elementary School
Rep by its Correspondent Sri K Prabhakar Rao
Konthamuru, Rajahmundry,
East Godavari District, Andhra Pradesh.
7. BSSSB TM Aided High School
Rep by its Correspondent Sri Y. Gunaranjan
Gorakshanapeta, Rajahmundry
East Godavari District, Andhra Pradesh.
8. BSSSB Aided Elementary School EM
Rep by its Correspondent Sri Y. Gunaranjan

(13)

Rajahmundry East Godavari District,
Andhra Pradesh.

9. PLK Aided High School
Rep by its Correspondent Smt. Boddi Mersibai
Palakol, West Godavari District,
Andhra Pradesh.
10. PLK Aided Primary School
Rep by its Correspondent Smt. Boddi Mersibai
Palakol, West Godavari District,
Andhra Pradesh.
11. Lutheran Aided Elementary School
Rep by its Correspondent Sri. Isaiah
Jampeta, Rajahmundry
East Godavari District, Andhra Pradesh
12. Lutheran Aided High School
Rep by its Correspondent
Sri. Chevala Samuel Timothy Krupa Rao
Dowlaiswaram, East Godavari District,
Andhra Pradesh
13. Schade Girls Aided Elementary School
Rep by its Correspondent
Smt. Sujani Kumari,
Rajamahendravaram,
East Godavari District,
Andhra Pradesh.
14. Lutheran Aided High School
Rep by its Correspondent Smt. Sujani Kumari
Jampeta, Rajahmundry,
East Godavari District,
Andhra Pradesh.
15. Schade Girls Aided Elementary School
Rep by its Correspondent
Sri. Issaiah
Rajamahendravaram,
East Godavari District,
Andhra Pradesh.
16. BEM Aided Elementary School
Rep by its Correspondent Sri. K. Prabhakar Rao
Ramdas Peta, Rajahmundry,

(14)

East Godavari District,
Andhra Pradesh

...Petitioners

Vs.

- 1) The State of Andhra Pradesh
Rep by its Principal Secretary
Department of the School Education,
Tulluru, Secretariat Buildings
Velagapudi, Guntur District
- 2) The Commissioner of School Education
Government of Andhra Pradesh
Venkatadri Towers, opp. DGP Office
Besides Happy Resorts, Atmakur,
Mangalagiri, Guntur District, Andhra Pradesh
- 3) The Samagra Shiksha Abhiyan
Rep by its State Project Director
Department of School Education (SSA)
High School Road, Patmata, Vijayawada – 520010
Krishna District, State of Andhra Pradesh
- 4) The Samagra Shiksha Abhiyan
Rep by its Project Officer
School Education (SSA) Department
O/o The District Educational Officer
Beside District Library
Main Road, Kakinada – 533001
East Godavari District, Andhra Pradesh
- 5) The District Educational Officer
Beside District Library
Main Road, Kakinada – 533001
Kakinada District, Andhra Pradesh
- 6) The District Educational Officer
Rajahmundry, East Godavari District
Andhra Pradesh
- 7) The District Educational Officer
West Godavari, NH-5,
Eluru Rajamundry Road,
Bhimadolu, Bhimadole,
Andhra Pradesh 534425

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate direction, order or Writ more in the nature of Writ of Mandamus declaring the proceedings issued by 3rd Respondent vide Rc No. SSA- 16021/54/2023-SEC-CMOSS, Dated 30-07-2024, whereby and where under, instructions were issued for constituting the Parents Monitoring Committee even to the private aided schools changing the nomenclature of the body as PMC and attributes duties and functions of SMC, invoking provisions of Right of Children to Free and Compulsory Education Act, 2009 as being arbitrary, illegal and violating Article 14, 19 and 30(1) of the Constitution of India and subversive of Rule of Law and consequently set aside the same and issue such other Writ or order or direction as deemed fit and proper in the circumstances of case.

IA NO: 1 OF 2024

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings vide Rc No. SSA- 16021/54/2023- SEC-CMOSS, Dated 30-07-2024 issued by the 3rd Respondent, insofar as the conduct of elections to the School Management Committee in private aided Institutions in the State of Andhra Pradesh is concerned, Pending disposal of WP 17581 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI VIJAY MATHUKUMILLI Advocate for the Petitioners, GP FOR SCHOOL EDUCATION for the Respondent noos.1 to 7, the Court made the following.

ORDER

"The present writ petition is filed assailing the memo, dated 30.07.2024 issued by the 3rd respondent directing all the educational officers and additional project coordinators in the State are aware that School Management Committees formed on 22.09.2023 in the State are completed two years by 21.09.2025 and have been continued till reopen of the schools for the academic year 2024-2025 and also stated to give schedule and give directions to conduct elections on 08.08.2024.

Now the present memo is under challenge on the ground that the aided schools will have governing body under G.O.Ms.No.1, Education Department, dated 01.01.2019 and if any elections conducted to the School Management Committees by the 3rd respondent that would be in derogatory of the G.O.Ms.No.1, dated 01.01.1994 may be a conflict and usurp the power of the governing body.

It is also submitted by the learned counsel for the petitioners that some of the aided schools are accepted to conduct elections to the School Management Committees.

Learned Standing Counsel would submit that the Government has conducted elections to almost all the schools except the present schools.

In view of the same, the respondents are at liberty to conduct the elections. However, the elected committee functions subject to the result of the writ petition.

List the matter along with W.P.No.17169 of 2024."

//TRUE COPY//

SD/- G.HELANAIDU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Department of the School Education, Tulluru, Secretariat Buildings Velagapudi, Guntur District **(by Special Messenger)**
2. The Commissioner of School Education, Government of Andhra Pradesh Venkatadri Towers, opp. DGP Office Besides Happy Resorts, Atmakur, Mangalagiri, Guntur District, Andhra Pradesh
3. The State Project Director, Samagra Shiksha Abhiyan, Department of School Education (SSA) High School Road, Patmata, Vijayawada - 520010 Krishna District, State of Andhra Pradesh
4. The Project Officer, Samagra Shiksha Abhiyan, School Education (SSA) Department O/o The District Educational Officer Beside District Library Main Road, Kakinada- 533001 East Godavari District, Andhra Pradesh
5. The District Educational Officer, Beside District Library Main Road, Kakinada - 533001 Kakinada District, Andhra Pradesh
6. The District Educational Officer, Rajahmundiy, East Godavari District Andhra Pradesh
7. The District Educational Officer, West Godavari, NH-5, Eluru Rajamundiy Road, Bhimadolu, Bhimadole, Andhra Pradesh 534425 **(2 to 7 by RPAD)**
8. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
9. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of Andhra Pradesh. [OUT]
10. **One spare copy**

ksr

HIGH COURT

TRR, J

DATED:12/08/2024

ORDER

List the matter along with W.P.No.17169 of 2024

WP.No.17581 of 2024

DIRECTION

