

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

WEDNESDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 17964 OF 2024

Between:



1. Aided Upper Primary School,
Rep by its Correspondent J. Vijaya Kumari,
D/o Subba Raju, Age about 54 years, R/o Krishnam Palle,
Duvvur Mandal, YSR Kadapa District. Pin code: 516175.
2. Viswa Bharati Aided Upper Primary School,
Rep by its Correspondent Shaik Safee Ahmad,
S/o Shaik Mahaboob basha, Age about 67 years,
R/o 13-227, Lohar Fakruddin Street, Kadapa,
YSR Kadapa District. Pin code: 516001.
3. Sri Lal Bahadur Sastri Memorial Aided Upper Primary School,
Rep by its Correspondent Adneni Harini W/o A.V. Ramana,
Age about 67 years, Kummara Kunta,
R/o 14/54, P.B. Street, Kadapa,
YSR Kadapa District. Pin code: 516001.
4. Vidya Sagar Aided Upper Primary School,
Rep by its Correspondent William Krupaka Rao. V.J.
S/o V. William Jiseph, Age about 69 years,
R/o Viswanadhapuram, Y.M. Palli (post).
C.K. Dinne Mandal, YSR Kadapa-516004.
5. A.V.S. Oriental Aided Upper Primary School,
Rep by its Correspondent, Smt. A. Subbamma, W/o A. Ramdas,
Age about 76 years, Madhavaram Post, Vantimitta Mandal,
YSR Kadapa District. 516247
6. S.N.Y.S. Sanskrit High School
Rep by its Correspondent, Smt. Manduru Lakshammamma,
W/o, M. Sreeramulu, Age about 78 years,
Kondamamachu palli, Madhavaram post,
Vantimitta Mandal, YSR Kadapa District.
Pin code : 516247.
7. G.V.S. Oriental High School,
Rep by its Correspondent, G. Venkata Subbarayulu,
S/o. Subbarayudu, Age about 70 years, S.K.R. Nagar,
Madhavaram -1, Sidhout Mandal, YSR Kadapa District.

- 8.S.P.Oriental Upper Primary School,
Rep by its Correspondent P.Venkata Subbaiah,
S/o. Venkata Sibbaiah, Age about 66 years,
R/o Krishnam Palle, Thiruvangala Puram Post,
Badvel Mandal, YSR Kadapa District.
 - 9.Sri Santinikethan Oriental Primary School
Rep by its Correspondent V. Ramanujamma,
W/o. V. S. NarasimhaCharyulu,
Dommara Nandyala, Mylavaram Mandal,
YSR Kadapa District.
 - 10.Sri Santinikethan Oriental Elemantay School
Rep by its Correspondent
K.Padmavathi, W/o.V.S.NarasimhaCharyulu,
Sankara Puram, YSR Kadapa District.
 - 11.Sri Sarada Vidya Samajam Aided Upper Primary School,
Rep by its Correspondent O.Janardhana Raju,
Age about 54 years, S/o Late Subba Raju,
Co-op Colony, 20th Ward, 20/791, YSR Kadapa District.
 - 12.Aided Upper Primary School,
Rep by its Correspondent M.Lakshmi Devi
W/o M.C.Veeraiah, Age about 47 years,
R/o Balija Palle, C.K.Dinne Mandal, YSR Kadapa District.
 - 13.Mahaboob Aided Upper Primary School,
Rep by its Correspondent Shaik Muzafar Hussain,
S/o Sk.Mahaboob Saheb, Age about 57 years,
R/o D.No. 62/103, Sukuramia Street, Rayachoti,
Annamaiah District.
 - 14.Sarada Aided Upper Primary School,
Rep by its Correspondent V.Uma Maheswari,
W/o. M.Adinarayana Babu, Age about 66 years,
R/o D.No. 51/120-111, Balaji Nagar, Kotha Pet,
Rayachpti, Annamaiah District.
- AND
- ... Petitioners
- 1.The State of A.P Rep by its Prl. Secretary,
Education Department (School Education)
Secretariat buildings, Amaravati, Guntur District.
 2. The Commissioner of School Education,
Education Department, Beside Happy Resorts,
Vaddeswaram, Guntur District.

5

3. The Regional Joint Director,
Kadapa, Kadapa District.
4. The District Educational Officer,
Kadapa, YSR Kadapa District.
5. The District Educational Officer,
Annamaiah District at Rayachoti.
6. The Deputy Educational Officer,
Kadapa, YSR Kadapa District.
7. The Deputy Educational Officer,
Proddutur, Kadapa District.
8. The Deputy Educational Officer,
Raya Choti, YSR Kadapa District.
9. The Mandal Educational Officer,
Kadapa, Kadapa District.
10. The Mandal Educational Officer,
Ontimitta, Kadapa District.
11. The Mandal Educational Officer,
Sidhout, Kadapa District.
12. The Mandal Educational Officer,
C.K. Dinne, Kadapa District.
13. The Mandal Educational Officer,
Mylavaram, Kadapa District.
14. The Mandal Educational Officer,
Duvvuru, Kadapa District.
15. The Mandal Educational Officer,
Badvel Kadapa District.
16. The Mandal Educational Officer,
Raychoti, Annamaiah District.
17. State Project Director, Sarva Shiksha Abhayan,
A.P. High School Road, Patamata,
Vijayawada, Krishna District.

...Respondent/s

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 a Writ of Mandamus or any other appropriate writ, order or direction (1) to declaring the action of the Respondents in directing the Head Masters of the Petitioner Institutions to conduct elections of the School Education Committees is in contravention of the undertaking which was given by the 1 Respondent in WP 21368/2000 and batch as illegal (2) to declare that the provisions of A.P. School Education Community Participation Act, 1998 is not applicable to the private aided educational institutions which are being governed and managed by the governing bodies constituted under A.P. Education Act, (iii) to declare that the elections sought to be conducted by the Respondents by issuing Notification dt. 09-08-2024 by sending A.P.SAMAGRA SHIAKSHA cmo.ap.samaQrashiksha@amail.com in contravention of provisions of A.P. Education Act and consequently direct the respondents not to conduct election of education Committees to the private Petitioners aided management schools.

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 direct the Respondents to exempt the Petitioners private aided management schools from the purview of A.P. School Education (Community Participation) Act 1998 and Rules, 1998 as per the undertaking given in WP No.21368/2000 and Batch, dated 4.6.2001, Pending disposal of WP 17964 of 2024, on the file of the High Court.

IA NO: 2 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 direct the Respondents not to proceed to conduct elections of school management committees in the Petitioners schools pursuant to the mail sent Head Masters of the petitioners schools dt.9.8.2024, Pending disposal of WP 17964 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 DEVI PRASAD MANGALAPURI Advocate for the Petitioners, GP FOR EDUCATION for the Respondent Nos.1 to 17 the Court made the following.

ORDER

"Sri N.Subba Rao, the learned designated senior counsel appearing on behalf of the petitioners argued elaborately and contended that the issue of exempting private aided management schools from the purview of A.P. School Education (C.P) Act, 1998 is pending before the Government, the respondents cannot conduct elections for the private aided management schools.

The learned senior counsel further contended that the Government of Andhra Pradesh on earlier occasion has given an undertaking in W.P.No.21368 of 1998 and batch dated 04.06.2001. As per the undertaken given by the Government in the supra referred writ petition, unless the decision taken by the Government no election can be conducted to the private aided management schools.

The learned counsel for the respondents submits that no papers were served on them.

Already on earlier occasion, this Court in various other writ petitions has taken decision directing the respondents to conduct the elections. However, the elected body shall not function until the final decision passed by this Court.

Therefore, this Court is inclined to grant interim direction to the respondents to conduct the elections but the elected body shall not function until the final decision taken by this Court and the elected body is also not entitled to claim any equity, in this regard.

The learned counsel for the respondents is also directed to convey the interim direction to the respondents.

List the matter after four (04) weeks."

//TRUE COPY//

A. SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Prl. Secretary, Education Department (School Education), State Of Andhra Pradesh, Secretariat buildings, Amaravati, Guntur District.(by **Special Messenger**)
2. . The Commissioner of School Education, Education Department, Beside Happy Resorts, Vaddeswaram, Guntur District.
3. . The Regional Joint Director, Kadapa, Kadapa District.
4. The District Educational Officer, Kadapa, YSR Kadapa District.
5. The District Educational Officer, Annamaiah District at Rayachoti.
6. The Deputy Educational Officer, Kadapa, YSR Kadapa District.
7. The Deputy Educational Officer, Proddutur, Kadapa District.
8. The Deputy Educational Officer, Raya Choti, YSR Kadapa District.
9. The Mandal Educational Officer, Kadapa, Kadapa District.
10. The Mandal Educational Officer, Ontimitta, Kadapa District.
11. The Mandal Educational Officer, Sidhout, Kadapa District.

12. The Mandal Educational Officer, C.K.Dinne, Kadapa District.
13. The Mandal Educational Officer, Mylavaram, Kadapa District
14. The Mandal Educational Officer, Duvvuru, Kadapa District.
15. The Mandal Educational Officer, Badvel Kadapa District.
16. The Mandal Educational Officer, Raychoti, Annamaiah District
17. State Project Director, Sarva Shiksha Abhayan, A.P. High School
Road, Patamata, Vijayawada, Krishna District. (2 to 17 by RPAD)
18. One CC to SRI. DEVI PRASAD MANGALAPURI Advocate
[OPUC]
19. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of
Andhra Pradesh. [OUT]
20. **One spare copy**

KSR

HIGH COURT

TRR, J

DATED:14/08/2024

List the matter after four (04) weeks

ORDER

WP.No.17964 of 2024

DIRECTION

