

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI  
(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: 17982 OF 2024



Between:

1. Nethaji Aided Elementary School and Sri Sangameswara High School(Aided), Veerapunayunipalle- 516321, Y.S.R Kadapa District.A.P.Rep.by.its Correspondent V.V.Subba Naidu S/o.V.Ramasubbanna,Aged about 65 years.
2. Sree Venkateswara Elementary and High School (Aided), Bayana Palle Village, NagiReddy Palle-516003 (post)C.K.Dinne Mandal Y.S.R.Kadapa District.A.P.Rep.by its Correspondent Y.ChandraKanthamma, W/o. M.P.V.Ramaiah, Aged about 63 Years.
3. Ambedkar Oriental High Schol, Ashok Nagar,Chinna Chowk, Kadapa, Y.S. R. District-516002 Rep. by its Secretary/Correspondent, Smt.M.Venkata Subbamma, W/o M.V.Ramana, Aged about 52 Years.
4. Sri Gowri Sankar Oriental Aided School, Subhadramma Vidya Vanam, 103/1 -1, A-Block,AL.Colony, YSR kadap-516003. Corrsepondent U.Gowri Shankar, S/o.Ramachandra, Aged about 52 years.

... Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of School Education for the State of Andhra Pradesh, Secretariat Buildings Velagapudi, Amaravathi, A.P-522503.
2. The Director of School Education, Government of Andhara Pradesh, Mangalagiri, Guntur District.

3. The State Project Director, Sarva Siksha Abhiyan, State of Andhra Pradesh High School Road, Patamata, Vijayawada-A.P.
4. The Regional Joint Director of School Education, Y.S.R Kadapa.
5. The District Educational Officer, Y.S.R Kadapa.

**... 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 a Writ, order or direction more particularly one in the nature of a WRIT OF MANDAMUS declaring the action of the Respondents Issuing Memo No. 977203/Prog. II/A2/2019- 8 dated 30-07-2024 in reference to the same the 3rd Respondent in issuing Proceedings Rc.No. SSA-16021/54/2023-SEC-CMO SS Dated 30-07-2024 directing all the District Educational Officers and Additional Project Co-Ordinators in the state to conduct elections on 08-08-2024 to the School Management Committees by issuing the schedule and to take necessary action and issued certain guidelines in conducting elections to Aided Private Management Schools is highly illegal, arbitrary, contravention of law and Contravention of the undertaking that was given by the 1<sup>st</sup> Respondent in WP No. 21368 and Batch, further declaring that the 3<sup>rd</sup> Respondent has no power to issue such memo to the District Educational Officers and Additional Project Co-Ordinators to conduct such elections that would be in contravention of the A.P. Education Act., 1982, consequently direct the Respondents not to conduct elections of School Management Committees to the Private Aided Management Schools as there is such bodies are in existence under the respective Societies.

**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 stay the conducting of elections to the School Management Committees as far as the Private Aided

Management Schools are conserved in compliance of the Proceedings Rc.No. SSA-16021/54/2023-SEC-CMO SS Dated: 30-07-2024, Pending disposal of WP 17982 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 T V S KUMAR Advocate for the Petitioner, GP FOR SCHOOL EDUCATION Advocate for the Respondent Nos.1, 2 4 & 5, and the Court made the following.

## ORDER

“The learned counsel for 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 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."

Sd/- K. J. RAJA BABU  
ASSISTANT REGISTRAR

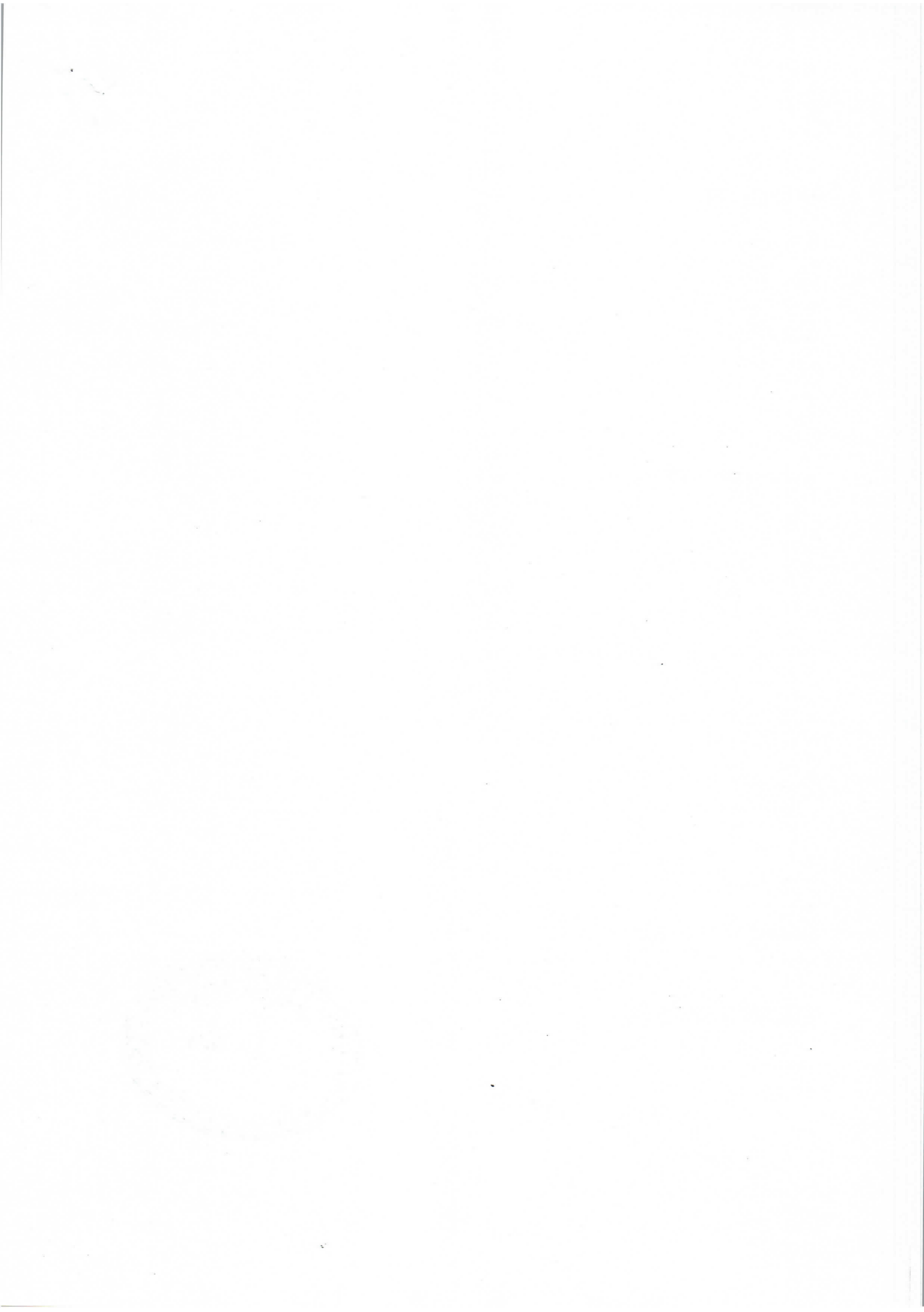
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SECTION OFFICER

To,

1. The Principal Secretary, Department of School Education for the State of Andhra Pradesh, State Of Andhra Pradesh, Secretariat Buildings Velagapudi, Amaravathi, A.P-522503.
2. The Director of School Education, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The State Project Director, Sarva Siksha Abhiyan, State of Andhra Pradesh High School Road, Patamata, Vijayawada-A.P.(1 to 3 by **Special Messenger**)
4. The Regional Joint Director of School Education, Y.S.R Kadapa.
5. The District Educational Officer, Y.S.R Kadapa. (4 & 5 by **RPAD**)
6. One CC to SRI. T V S KUMAR Advocate [OPUC]
7. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of Andhra Pradesh. [OUT]
8. **One spare copy**

ksr



HIGH COURT

TRR, J

DATED:14/08/2024

List the matter after four (04) weeks

ORDER

WP.No.17982 of 2024

INTERIM DIRECTION

