

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
CONTEMPT CASE NO.6800 OF 2023

ORDER

1. This contempt case is filed complaining the willful disobedience in implementing the Order dated 20.02.2022 passed by this Court in W.P.No.4058 of 2023.

2. The petitioners filed W.P.No. 4058 of 2023 to issue writ of mandamus declaring the action of respondents in not granting permission to fill up the vacant aided posts in the petitioner institution as per G.O.Ms.No.40 dated 30.06.2017 and consequential proceedings in Rc.No.90/PS1/20103 dated 20.07.2017 despite representation made by the petitioner on 08.09.2021 as illegal, arbitrary and consequently direct Respondent Nos.2 to 3 to permit the petitioner institution to fill up the two vacant aided posts as per G.O.Ms.No.40 dated 30.06.2017.

3. On 20.02.2023, this Court disposed of the writ petition in terms of the common order dated 05.01.2023 passed in W.P.No.30927 of 2022 & batch. The operative portion of the order in W.P.No.30927 of 2022 & batch dated 05.01.2023, reads as follows:

“i) The respondent-authorities are hereby directed to permit the petitioners-institutions to fill up all the Aided vacancies in terms of

G.O.Ms.No.1, Education, dated 01.01.1994 and also as per the Schedule prescribed under Sections 19 & 25 of the Act,2009;

ii) In future also, whenever vacancies arise, the institutions have to make applications to the Competent authorities for filling up the vacancies ;

iii) On such applications, the Competent authorities shall inform the institution about the availability of qualified surplus staff, within a period of four (04) weeks from the date of application and allot said surplus staff on permanent basis;

iv) If surplus staff are not available, the Competent authority shall inform the same and permit the petitioners institutions to fill up the vacancies in accordance with the above said Rule, preferably within a period of two (02) months;

v) So far as minority institutions are concerned, the above procedure is not applicable insofar as allotment of surplus staff are concerned, in view of the Judgments of Division Bench of this Court rendered in **Modern High School, Zamisthanpur V. Government of Andhra Pradesh and Others**¹ and **Ester Axene Res. High School and Others V. State of Andhra Pradesh and Others**²

4. Originally, Respondent Nos.1 to 3 were arrayed as party respondents. Vide orders of this Court in I.A.No.1 of 2024 dated 19.10.2024, Respondent No.3 was discharged from this contempt case. Further, vide

¹ 2002 (1) ALD 96

² MANU/AP/0045/2019

order in I.A.No.2 of 2024 dated 19.010.2024, Respondent No.4 was impleaded as party respondent and vide order in I.A.No.1 of 2025 dated 19.03.2025, Respondent Nos.5 to 7 were impleaded as party respondents to the present contempt case, as they are proper and necessary parties to the *lis*.

5. Learned counsel for the petitioner submits that, inspite of specific directions of this Court vide order dated 20.02.2023, the respondent authorities have not permitted the petitioner to fill up the Aided vacancies in terms of G.O.Ms.No.1 (Education) dated 01.01.1994 and also as per the Schedule prescribed under Sections 19 & 25 of the Right of Children to Free and Compulsory Education Act, 2009, for the reasons best known to them and the respondents have deliberately avoiding to implement the orders of this Court and deliberately flouted the orders of this Court. The failure on the part of the respondents in implementing the orders of this Court would amount to disobedience of the orders of this Hon'ble Court, and, therefore, they are liable for punishment under Sections 10 to 12 of the Contempt of Courts Act, 1971. Complaining the same, the petitioners filed the present Contempt Case.

6. Respondent Nos.1, 2, 5, 6 did not file their counter affidavits.

7. Respondent No.4 & 7 – Joint Director, Model Schools and District Educational Officer, Krishna District, Machilipatnam, filed their respective counter affidavits. It is submitted that, permission was granted to the petitioner on 13.03.2024 to fill two vacant aided SGT posts, in accordance with G.O.Ms.No.1 dated 01.01.1994. The petitioner submitted a letter dated 16.03.2024, indicating that the institution had issued a newspaper advertisement and requested necessary orders to proceed further. However, the petitioner did not provide any documentary evidence of the newspaper notification or details of the candidate applications. Since the petitioner has not submitted information relating to copies of notification published in the newspapers and particulars of candidates who have submitted applications, the 4th respondent requested data from the District School Educational Officer, NTR, on 03.09.2024. Subsequently, the petitioner submitted a letter dated 19.09.2024, stating that notifications were published on 15.03.2024 in two newspapers viz., Praja Shakti and Andhra Jyothi. Despite this, only 52 applications were received in response to the advertisement, which was deemed insufficient for filling two aided SGT posts. The 4th respondent advised the petitioner to widely publicize the vacancies again to attract larger number of applicants, in the public interest. However, neither report nor updated information was submitted by the petitioner. Due to the petitioner's non-cooperation, and following instructions from the 2nd respondent vide

Memo dated 25.09.2024, applications were invited from eligible candidates through an online portal, accompanied by wide press publicity to encourage large number of applications for recruitment in private aided institutions. The application portal opened on 07.12.2024 and closed on 15.12.2024. It is submitted that the 4th respondent appointed the Deputy Educational Officer as the nominee responsible for filling the two aided SGT posts at the petitioner's school, as authorized by the Government and the Commissioner of School Education. It is submitted that the recruitment process for the aided teacher posts at the petitioner's school is to be carried and will be completed in accordance with established norms. As such, they did not violate the orders of this Court and tendered unconditional apology to this Hon'ble Court for any inconvenience caused by them and requested to close contempt case against them.

8. Heard learned counsel for the petitioner and learned counsel appearing for the respondents/contemnors.

9. The major contention of the learned counsel for the petitioner is that the respondent authorities are not permitting the petitioner to fill up the Aided Vacancies in terms of G.O.Ms.No.1 Education dated 01.01.1994. But, it is evident from the counter affidavits that the 4th respondent has accorded necessary permission on 13.03.2024 to the petitioner to fill up the vacant

aided teaching post by recruitment by duly following the procedure laid down in G.O.Ms.No.1 date 01.01.1994. Correspondence has taken place between the petitioner and the 4th respondent for issuance of necessary orders to proceed further. However, it is observed that, due to non-submission of required documentary evidence of press notification, etc, approvals were not issued, during the Model Code of Conduct. Even when the petitioner submitted that requisite number of applications were not received for filling up 2 aided SGT Posts, the 4th respondent has once again given another opportunity to the petitioner to call for applications and gave wide publicity, in the interest of public and to submit report within 7 days. But, there was no response from the petitioner. Since there was no response from the petitioner, the 4th respondent has invited applications from the eligible candidates to apply through online, by following the instructions in Memo dated 25.09.2024 of the 2nd respondent. Further, a Deputy Educational Officer, was already nominated for filling up the two aided SGT posts in the petitioner institution. Thus, from the above, it appears that the petitioner is not cooperating with the respondents and in-turn making them responsible them for non-complying the orders of this Court. Therefore, in the considered opinion of this Court, the respondents have taken utmost care in filling up the two SGT posts in compliance of the orders of this Court.

10. Therefore, in view of the entire facts and circumstances of the case, this Court is of the considered opinion that the respondents did not commit any willful and deliberate violation of the order passed by this Court. Accordingly, the contempt case is closed.

13. Consequently, miscellaneous petitions pending, if any, in this contempt case shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date:24.10.2025

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CONTEMPT CASE NO.6800 OF 2023

Date: 24.10.2025

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