

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.28434 OF 2015

ORDER:

This writ petition is filed under Article 226 of Constitution of India, seeking the following direction :

“to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action on the part of the respondents in consolidating the Mandal Parishad Primary School (Main), of Undi Village, West Godavari District into the MPPS (Special), Undi and relocating the school from the present place without taking into consideration the objections raised against the proposed positive consolidation of the MPPS (Main) as illegal, arbitrary, unconstitutional and contrary to the constitutional intent of providing primary education as enshrined under the directive principles of State Policy and set aside the G.O.Ms.No.50 Education (Ser.II) Dept., dated 07.08.2015 to the extent of approving the establishment and positive consolidation of School of Mandal Parishad Primary School (Main), Undi, West godavari District into Mandal Parishad Primary School (Special), Undi”

2. Heard Sri V. Maheswar Reddy, learned counsel for the petitioner as well as learned Government Pleader for School Education.

3. I have perused the material papers available on record. The petitioners herein are the residents of Undi Village & Mandal of West Godavari District, wherein a primary school was established in the year 1938, and the said primary school is under the control of Local Body/Government and serving the villagers of Undi village by imparting quality Education to the children of the said village and the said school has been functioning for the last several decades. It is also pleaded in the writ affidavit that villagers in and around the Undi village, the villagers also prefer to join their children in the MPPS (Mandal Parishad Primary School) and is providing free education to their children at primary level.

4. The State Government issued orders vide G.O.Ms.No.50 Education (Ser.II) Dept., dated 7.8.2015, approving the establishment of Adarsha Pradhamika Paatasala (Model Primary Schools) as shown in annexure- A, to

the order in West Godavari District. The subject school stands at S.No.264 of the annexure attached to the said G.O. It is further brought to the notice of this Court that subsequently the Commissioner of School Education-second respondent herein issued proceedings vide Rc.No.25/Estt-3/2015, dated 8.8.2015 and the last two paragraphs of the said proceedings read as under:

“It is brought to the notice of the Commissioner of School Education that in some districts, primary schools with more than 30 enrolment within one kilometre are identified for positive consolidation with less than 30 enrolment without justification.

Therefore, all the Regional Joint Directors and District Educational Officers in the State are instructed to

- (A) Once again re-verify the earlier exercise undertaken by them in accordance with the norms indicated in the GO referred above. Please ensure that primary schools with more than 30 enrolment and within one kilometre should not be included in such positive consolidation exercise, until and unless the public request for the same, specifically.
- (B) If there is any public representation with regard to any of the identified/proposed Establishment of Adarsha Pradhamika Paatasala and Positive Consolidation of Schools, such schools may be kept in abeyance for further examination.
- (C) If any modification is required to the list of schools identified & submitted earlier, the same may be furnished on or before 10.08.2015 with proper justification on each school, to enable the government to issue revised orders.
- (D) In case of all other approved in the GO and where there are no deviation of norms, the orders of the Government should be implemented and included for the ensuing transfer counselling.

5. It is also brought to the notice of this Court that the villagers of Undi, including petitioners herein, submitted a representation to the District Educational Officer (DEO) against the said consolidation to the extent of the subject school. While referring to the proceedings of the second respondent-Commissioner and the representation submitted by the petitioners herein, it is submitted by the learned counsel for the petitioners that a direction may be given to the District Educational Officer-third respondent to consider the said representation submitted by the petitioners along with others. This Court

considers the request as reasonable one.

6. For the aforesaid reasons, the Writ Petition is disposed of directing the District Educational Officer-second respondent herein to take appropriate action on the written representation dated 07.08.2015 submitted by the petitioners herein along with others and take appropriate action within a period of three (03) months from the date of receipt of a copy of this order. Till the said action is taken, there shall be *status-quo* with regard to the enforcement of the order issued vide G.O.Ms.No.50 Education (Ser.II) Dept., dated 7.8.2015, to the extent of the subject school only.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Date: 03.09.2015
gvl

A.V.SESHA SAI, J