

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.26171 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue Writ, Order or Direction, one in the nature of WRIT OF MANDAMUS declaring the proceedings Rc.No.924/B2/2015, dated 03.03.2015 of the 4th respondent as illegal, arbitrary, bad in law, violative of Articles 14, 16 and 21 of the Constitution of India and contrary to the A.P.Education Act and the Rules made thereunder and consequently direct the respondents to continue the teaching and non-teaching staff of the Petitioner school to work in their school respectively and continue to pay the salaries to the said staff and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. When the matter is taken up, a preliminary objection has been taken by the learned Government Pleader for Education by contending that as against the orders impugned in the present writ petition, appeal lies before Director of Education under Section 89 of the Andhra Pradesh Education Act, 1982. Section 89 of the said Act reads as under:

*89. Appeals:— Save as otherwise provided in this Act,—
(a) any person aggrieved by an order passed by an officer or authority other than the Director under this Act may, within thirty days from the date of communication of such order, appeal to the Director,
(b) any person aggrieved by an order passed by the Director under this Act other than an order passed by him under Clause (a) may, within sixty days from the date of the communication of such order, appeal to the Government.*

3. In view of the above provision of law, an effective and alternative remedy of appeal is available to the petitioner herein, as such, this

court is not inclined to entertain the present writ petition.

4. At this point of time, learned counsel for the petitioner requested this court to permit the petitioner herein to avail the said alternative remedy and this court considers the said request as reasonable.

5. For the aforesaid reasons, writ petition is disposed of, keeping it open for the petitioner herein to file statutory appeal under Section 89 of the Andhra Pradesh Education Act, 1982, against the orders passed by the District Educational Officer, Visakhapatnam, vide proceedings Rc.No.924/B2/2015, dated 03.03.2015, within a period of fifteen days from the date of receipt of this order. If any such appeal is filed within the stipulated time, the same be considered and appropriate orders be passed, in accordance with law, after giving notice and opportunity of being heard, within one month thereafter.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

19th August, 2015

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