

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

**WRIT PETITION No.35503 of 2015**

**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ of Certiorari calling for the records pertaining to proceedings in Rc.No.400/B4-3/2010 dated 24.04.2013 and the consequential proceedings in Rc.No.400/B4-3/2010 dated 05.09.2013 of the Commissioner and Director of School Education, State of Telangana, Hyderabad, the 2nd respondent herein and quash the same as illegal, arbitrary, un-warranted and violative of principles of natural justice, violative of Articles 14, 15, 16 of the Constitution of India and also contrary to the orders of this Hon'ble Court dt:1.3.2013 passed in WP No.5217 of 2011 and consequently direct the State to enact new Act for the safeguard of the rights of the minority people and institutions in the State, so as to rectify the irregularities and discrimination committed by the erstwhile Government of Andhra Pradesh and to direct the respondents to forthwith release all service-cum-pension benefits to the petitioners along with interest.”

Heard, Sri Asadullah Shareef, learned counsel for the petitioners and learned Government Pleader for School Education for respondents.

By virtue of the orders impugned the Commissioner and Director of School Education declined to consider the request of the petitioner for absorption of grant-in-aid post and payment of salaries.

As against the orders impugned there is statutory remedy of

appeal under the provisions of A.P. Education Act, 1982. Section 89 of the A.P. Education Act, 1982 reads as under:

**“Section 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

Explanation For purposes of this section and

Section 92, the expression "Director" includes the Additional Director or Joint Director when he exercises the powers of the Director under this Act.”

It is very much clear from the above provision of law that any order of the Commissioner and Director of School Education is appealable before the State Government. In view of the same, this Court is not inclined to entertain the present writ petition to go into the merits and demerits of the matter. However, having regard to the nature of controversy and in the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the petitioners herein are permitted to avail the above mentioned alternative remedy of appeal to the State Government under the provisions of Section 89 of the A.P. Education Act, 1982.

For the aforesaid reasons, the writ petition is disposed of, giving liberty to the petitioners herein to file statutory appeal against the orders impugned before the 1<sup>st</sup> respondent – State

Government within a period of one month from the date of receipt of a copy of this order. If any such appeal is filed, within the time stipulated, same be considered and appropriate orders be passed, in accordance with law, after giving notice and opportunity of being heard to the petitioners herein, within a period of two (2) months thereafter.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

**A.V. SSHA SAI, J**

April 21, 2016

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**THE HON'BLE SRI JUSTICE A.V. SETHA SAI**

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