

***THE HON'BLE SRI JUSTICE SANJAY KUMAR***

**WRIT PETITION No.11073 of 2016**

**ORDER:**

Heard Sri Boya Ravinder Reddy, learned counsel for the petitioner, and the learned Assistant Government Pleader for the State.

The prayer of the petitioner institution in this case is as under:

“It is therefore prayed that this Hon’ble Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declare the action of the Respondents in not paying arrears of Maintenance Grant to the management of the petitioner school in terms of G.O.Ms.No.320, Education Department dt.16/09/1994, for the financial years of 2013-2014, 2014-2015 and 2015-2016 as illegal arbitrary and against the principles of natural justice and consequently direct the respondents to release the arrears of maintenance grant for the financial years of 2013-2014, 2014-2015 and 2015-2016 to the management of the petitioner school as per the A.P. Educational Institutions Maintenance Grant Regulation Act, 1995 as Amended Act 34 of 2007 dt.19.09.2007 and in terms of G.O.Ms.No.320 Education Department dt.16.09.1994 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The District Educational Officer (DEO), Sri Potti Sriramulu Nellore District, filed a counter-affidavit stating that the maintenance grant proposals of the petitioner institution were sanctioned by the Government but, thereafter necessary orders have not been passed for disbursal. Accordingly, the bills of the petitioner institution were not cleared by the treasury. The DEO further stated that the Government had released the maintenance grant for the academic years 2014-2015 and 2015-2016 but, due to the freezing of the account, the amount could not be disbursed to the petitioner institution. The DEO also stated that it would be open to the petitioner institution to resubmit proposals through proper channel for disbursement.

In the light of the above stated counter, the writ petition is disposed of permitting the petitioner institution to resubmit the

proposals to the DEO, within one week from today, who shall immediately forward the same to the 3<sup>rd</sup> respondent. Thereupon, the Commissioner and Director of School Education, Andhra Pradesh, shall consider the said proposals in the light of the sanction granted earlier and take appropriate action, including disbursal of the grant to the petitioner institution as per its entitlement, expeditiously and in any event, not later than two months from the date of receipt of the proposals. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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**JUSTICE SANJAY KUMAR**

27.04.2016

PGS/GJ