

**HON'BLE THE ACTING CHIEF JUSTICE DILIP
B.BHOSALE
AND**

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 4644 of 2006

Date: 19.4.2016

Between:

S Meer Masthan S/o Meer Sadiq
Khaleel Siddiqui High School
Noonepalli, Nandyal, Kurnool district and others

.....
Petitioners

And

The State of A P
Rep by its Secretary,
Education Department, Secretariat, Hyderabad and others

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.
BHOSALE**

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 4644 of 2006

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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

In this writ petition, petitioners challenge memo of the Government dated 19.12.2002 wherein on a reference made by the Commissioner and Director of School Education, the Government clarified that since petitioners were appointed in aided posts after 25.4.2000 in the first two years of such appointment they be treated as apprentices and during this period they would be paid only consolidated remuneration/stipend and not eligible for payment of regular salary in the time scale. All the petitioners were initially appointed in unaided posts in aided educational institutions. Subsequently they were admitted to grant in aid posts. The limited grievance of the petitioners in this writ petition is, ignoring the long service rendered by them in unaided posts on admission to aided posts, they were treated as fresh entrants on stipend basis and only consolidated amount is paid without granting pay protection.

2. Learned counsel for petitioners submits that in W.P. No. 805 of 2014, learned single Judge observed that Rule 12-(a) of the A.P. Educational Institutions (Establishment, Recognition, Admission and Control of Schools under Private Managements) Rules, 1993 as amended is not applicable to existing employees on their appointment in aided posts. The apprenticeship provision as provided in the said Rule is applicable only to persons appointed directly. Learned single Judge of this Court, held that employees of aided institutions who were initially appointed in unaided posts and subsequently brought into aided posts are entitled to payment of salary and allowances as payable to regular employees. This decision was assailed in W.A. No. 202 of 2012. One of the issues considered by the Division Bench of this Court was validity of claim for payment of remuneration/salary to the employees working in aided

institutions, initially appointed in unaided posts and subsequently brought into aided posts. On detailed analysis of the relevant provisions, Division Bench concurred with the view expressed by the learned single Judge. Learned Government Pleader does not dispute the submission of learned counsel for petitioners.

3. In view of the submission of learned counsels, the writ petition is disposed of as under:

“The writ petitioners are held to be entitled to payment of salary as applicable to regular employees from the date of their admission to aided posts and arrears due and payable to petitioners shall be determined and settled as expeditiously as possible, preferably within a period of four months from the date of receipt of copy of this order”

4. Miscellaneous petitions, if any, stand disposed of.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date:19.4.2016

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