

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT. JUSTICE ANIS

WRIT PETITION NO.6078 OF 2016

DATED:03-03-2016

Between:

The District Educational Officer
Visakhapatnam District
Visakhapatnam ... Petitioners

And

I. Venkata Ramana
and another ... Respondents

COUNSEL FOR THE PETITIONERS: Government Pleader for
Services (AP)

COUNSEL FOR RESPONDENT NO.1: Mr. M. Ramagopal Rao

THE COURT MADE THE FOLLOWING:

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ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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This writ petition is filed for a certiorari to quash order dt.27.1.2016 in O.A. No.5791 of 2015, on the file of the Andhra Pradesh Administrative Tribunal, at Hyderabad.

Respondent No.1 is working as Head Master of Low Female Literacy (LFL) Head Master in Mandal Praja Parishad School, Chandrampalem Mandal, Visakhapatnam District. The petitioners have issued G.O. Ms. No.63, dt.31.8.2015 framing rules for transfer counselling, based on the rationalization process guidelines issued in G.O. Ms. No.55, dt.23.4.2011, which was amended vide G.O. Ms. No.61, dt.16.5.2011. Under the said scheme, after providing LFL Head Master posts to the Primary Schools having strength of 151 and above, the balance of LFL posts may be adjusted to the schools having enrolment of the students upto 80 in the descending order. The petitioners have undertaken the rationalization process in the Visakhapatnam District for the academic year 2015-2016. The last date for receiving the online applications for this purpose was 20.09.2015. It is the pleaded case of respondent No.1 that as the rationalization process is applicable only to the schools which have students strength of less than 80, Chandrampalem School was not included in the list of the schools for rationalization for the said academic year. However, on the instructions of petitioner No.1, respondent No.1 has applied for the counselling offline, under alleged force of the higher authorities. Thereafter, respondent No.1 has approached the Tribunal by filing the above O.A. with the plea that since Chandrampalem School has the students strength of 137, the said school could not have been included under the rationalization scheme.

On behalf of the petitioners, a counter affidavit was filed wherein it was *inter alia* pleaded that the Mandal Educational Officer, Chandrampalem, has visited the school and admitted that the strength of the school is 137 based on the report obtained from the Head Master of the school, that it is noticed that Aadhar seeded enrolment of the school is 88 only, that about 80 to 85 students are attending the school, and that Mid Day Meal is being taken for about 80 students only.

The Tribunal has taken into consideration the survey of the Mandal Educational Officer, based on Aadhar data as on 15.7.2015 showing the students strength as 125 and the students strength attending mid day meals as 85, and concluded that the post of LFL Head Master held by the applicant at Chanrampalem School, is not surplus, and accordingly allowed the O.A. Feeling aggrieved thereby, this writ petition is filed by the District Educational Officer, Visakhapatnam, and others.

At the hearing, learned Government Pleader for Services (AP) submitted that as per G.O. Ms. No.61, dt.16.5.2011, the rationalization scheme shall be made applicable by following the method of allotting LFL Head Master to the schools in the descending order of the students strength and that the petitioners have followed this method in Visakhapatnam District and allotted the Head Masters to the schools upto the students strength of 93. She has further submitted that as the students strength of Chandrampalem School was only 80, in the descending order it is not entitled to allotment of an Head Master.

Learned counsel for respondent No.1 has invited this Court's attention to the website print out copy of the office of the Commissioner & Director of School Education, Sarva Siksha Abhiyan, wherein the students strength of Chandrampalem School is shown as 119. The authenticity of this list is not disputed by the learned Government Pleader. Though this Court has directed the learned Government Pleader to produce the school registers to determine the actual strength of the students, no foolproof registers have been produced to

determine the actual strength of the students, but she has placed before the Court the attendance registers from which the students strength of the school is 88. Ordinarily, the students strength of a school cannot be determined only based on attendance registers. Unless original admission registers are produced, it is not possible to arrive at actual strength of the students. As the petitioners have failed to produce such authentic record, it is not appropriate for us to exercise our jurisdiction under Article 226 of the Constitution of India to interfere with the finding of fact arrived at by the Tribunal as discussed above. Even according to the petitioners, going by the descending order, the least strength of the school for which the Head Master was allotted was 93. As the students strength of the Chandrampalem School as found by the Tribunal is not less than 125, it has rightly allowed the O.A. filed by respondent No.1. Hence, we do not find any reason to interfere with the order of the Tribunal.

The writ petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.7726 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

ANIS, J

03-03-2016

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