

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 1789 of 2006

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Education.

The present writ petition came to be filed seeking issuance of writ of mandamus to declare the action of the respondents in not implementing Memo bearing No.17260/TS.2/2003-I, dated 17.03.2005.

A perusal of the material on record would show that earlier the petitioner filed W.P.No.25934 of 2001 seeking issuance of writ of mandamus to declare the proceedings Rc.No.138/B3/99, dated 15.10.2001 issued by the third respondent (District Educational Officer, Eluru) as illegal and without jurisdiction. By an order dated 19.09.2002 this Court allowed the said writ petition in terms of the Division Bench Judgment of this Court in Government of Andhra Pradesh Vs. P.Thirumala Devi^[1] and the proceedings issued by the District Educational Officer directing the management to follow the rule of reservation has to be set aside. Aggrieved by the same, the Commissioner and Director of school Education, Andhra Pradesh, Hyderabad, preferred Writ Appeal No.1941 of 2003. By an order dated 06.09.2011 this Court disposed of the said writ appeal directing the writ petitioner to challenge Act No.40 of 2008 i.e. Andhra Pradesh Education (Amendment) Act, 2008.

It is to be noted that pending writ appeal, the Government issued Memo No.17260/PS-2/2003-1, dated 17.03.2005 approving

the action of the management of Bethany Girls High School, Bhimavaram in appointing the petitioner as an Attender with effect from 04.11.1998 in the existing vacant aided post in the said institution keeping in view of the provisions laid down under Article 30 (1) of the Constitution of India. Further, the District Educational Officer, Eluru, West Godavari District was directed to take necessary action.

The grievance of the petitioner appears to be that the respondents are not implementing the memo dated 17.03.2005 issued by the Government.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the present writ petition is disposed of, directing the respondents to implement the Memo No.17260/PS-2/2003-1, dated 17.03.2005 issued by the Government in accordance with law, at the earliest. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

23.02.2016
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