

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15734 of 2015

ORDER:

The petitioner Society is running several educational institutions and one of the institutions is a school in the name of Mary 'A' Knott's Girls High School, Vikarabad, Rangareddy District. The said school was established as a residential school in the year 1902 and it was admitted to grant-in-aid in the year 1959 for total 51 posts, both teaching and non-teaching. At present, there are only seven teaching and non-teaching staff and the strength of students is 280 for the classes from 1 to 10. Similarly there are four other schools run by the petitioner Society and the details are as follows:

Sl. No.	Name of the School	Number of sanctioned aided posts	Number of aided staff working Teaching & Non-Teaching	Number of aided vacancies Teaching & Non-Teaching	Students strength for the academic year 2013-14
1	Mary 'A' Knott's Girls High School, Vikarabad, Rangareddy District	51	22	29	280
2	William Moon High School, Tandur, Rangareddy District	21	3	18	280
3	Methodist Rural Childrens' High School, Moinabad, Rangareddy District	17	5	12	288
4	Methodist Rural High School, Zahirabad, Medak District	36	10	26	1200
5	Methodist High School, Chandrakal, Doulathabad Mandal, Mahabubnagar District	21	10	11	300

When the respondents did not allow the petitioner Society to fill up the clear aided vacant posts on the ground of imposition of ban by Government Memo No.12080/COSE/A2/2004 dated 20.10.2004, the present writ petition was filed challenging the action of respondents.

A counter affidavit is filed stating that there is ban on creation and filling up of aided posts including compassionate appointments by virtue of Government Memo No.12080/COSE/2004-10 dated 20.10.2004 read with Government Memo No.8544/COSE/2005-3 dated 14.11.2005.

Learned counsel for the petitioner submitted that the said memo dated 20.10.2004 was set aside by this Court in **Netaji Memorial Educational Society, Vijayawada, rep. by its Secretary and Correspondent Sri K.Chalapathi Rao v. Government of Andhra Pradesh, rep. by its Principal Secretary, School Education**^[1].

Learned Government Pleader submitted that against the said decision W.A.No.216 of 2014 was filed, wherein a Division Bench of this Court in W.A.M.P.No.663 of 2014, dated 25.02.2014 passed an order giving liberty to the Management of the Institution to appoint teachers, for which temporary permission shall be granted by the authorities within seven days. But it was made clear that the said permission shall not be taken advantage by the Management at the time of hearing the appeal. It was also made clear that appointee shall be given appointment orders subject to the result of the appeal only. He further submitted that against the said interim order, the matter was carried to the Supreme Court and the Supreme Court dismissed the appeal.

The order of Division Bench in W.A.M.P.No.663 of 2014 in W.A.No.216 of 2014 reads as follows:

“Therefore, considering the balance of convenience, we feel that the respondent-management will be free to appoint teachers and for this purpose, temporary permission must be granted within seven days from the date of receipt of this order. This factum of granting permission should not be given any weightage or advantage in favour of the respondent at the time of hearing of the appeal. Everything will abide by the result of the appeal. Once the permission is granted, the respondent-management will be free to appoint teachers in accordance with the rules and for the time being, the salary of the teachers shall be borne by the management. It shall also be notified to the appointees that this appointment will be subject to the result of the appeal.”

In terms of the order dated 25.02.2014 of the Division Bench in W.A.M.P.No.663 of 2014 in W.A.No.216 of 2014, this Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.04.2016
MVA

^[1] (2013) 5 ALT 783