

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 28657 of 2013

Order:

The petitioner possesses the qualification of B.Sc., B.Ed. The fourth respondent-School appointed him as Secondary Grade Teacher in an un-aided post through School Staff Selection Committee and the same was approved by the third respondent by proceedings dated 30.07.1999. The fourth respondent-School was admitted to grant-in-aid. The second respondent issued proceedings on 06.03.1998 calling for proposals from eligible unaided Schools for admission to grant-in-aid. The third respondent submitted proposals on 25.03.1998 to the second respondent for admission of unaided posts to grant-in-aid. The proposal of the fourth respondent-School was placed before the High Level Committee constituted under G.O.Rt.No.220, dated 24.02.1988, and the committee recommended the case of the fourth respondent-School to the first respondent. Accordingly, the first respondent issued proceedings in G.O.Ms.No.143, Education (PS-2) Department, dated 16.12.2003, admitting one SGT post to grant-in-aid. Subsequently, the fourth respondent-School submitted proposals for absorption of the post of the petitioner to grant-in-aid vide letter dated 23.02.2004. A pre-audit was conducted. In the meanwhile, ban was imposed in Memo dated 20.10.2004 in respect of recruitment to aided private management Schools in the State. The imposition of ban was held to be bad by this Court in the decision reported in **Netaji Memorial Educational Society, Vijayawada, Krishna District v. Government of Andhra Pradesh**^[1]. The case of the petitioner was recommended by the third respondent by proceedings in RC No.C1/874/05, dated 12.02.2007, to the second respondent. In view of the ban, the second respondent has not passed any orders on the recommendation made by the third respondent.

2. A counter affidavit is filed stating that in view of the ban, the Government issued G.O.Ms.No.58, Education Department, dated

13.07.2006, making amendments to the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993, issued in G.O.Ms.No.1, Education Department, dated 01.01.1994. It was also stated that the Government in G.O.Ms.No.40, Education Department, dated 18.06.2013, issued new guidelines for rationalization of teachers and staff in private aided schools. But, nothing is mentioned with regard to recommendations of the third respondent to the second respondent on 12.02.2007.

3. In the circumstances, this Court, without going into the merits of the case, is inclined to dispose of the present Writ Petition directing the second respondent to consider the recommendations made by the third respondent in respect of the petitioner in proceedings RC No.C1/874/05, dated 12.02.2007, by taking into consideration the striking down of the ban imposed by the Government by the learned single Judge of this Court in the said reported decision, and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

4. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 04.08.2016
Nsr

RAMALINGESWARA RAO, J

[\[1\]](#) 2013 (5) ALD 380