

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

MONDAY THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TEN

:PRESENT:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WP .NOs: 412, 446 and 28017 of 2009

W.P.No. 412/2009:

Between:

1. Ms. T.Jyothi Rani D/o.T.Joseph
2. Ms. M.Vani D/o.M.Nagaiah
3. Ms. Ch.Asha Jyoth D/o.Ch.Ramulu
4. Ms. U.Madhavi Latha w/o. V.Venkateswara Rao
5. Ms. P.Ramadevi w/o.Ravinder Reddy
6. Ms. Aruna Devi w/o.Pandu Setty
7. Ms. K.M.A.Priyadarshin w/o. Krupakar

... Petitioners

And

1. The Chairman, A.P.Residential Educational Institutions Society, School Education Department, Secretariat, Hyderabad.
2. The Vice Chairman, A.P.Residential Educational Institutions Society/Principal Secretary to Government, School Education Department, Secretariat, Hyderabad.
3. The Secretary, A.P.Residential Educational Institutions Society (Regd),III Floor, Gagan Vihar, Nampally, Hyderabad.

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Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the petition and the affidavit filed herein, the High Court may be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in stead of regularizing the services of PGTs/TGTs in APR Schools and KGBVs on zonal basis, treating the entire state as a Single Unit seeking to regularise them as per the proposal submitted by the third respondent to the Principal Secretary to Government, School Education Department, Hyderabad vide its Lr.Rc.No.5221/A2-2/2008 dated 1.11.2008 will result in retrenching the persons belonging to Telangana area and regularizing the persons belonging to Andhra and Rayalaseema areas and also violative of Articles, 14,16 and 21 of the Constitution of India and opposed to the intention of the Government and also the Resolution passed by the Governing Body of APREI Society on 7.9.2004;

Counsel for the petitioners: SRI M. PANDURANGA RAO

Counsel for the Respondents: SRI K. DURGA PRASAD

W.P.No. 446/2009:

Between:

- 1 Gurukula Vidhyalayala Telangana Udyogula Sangham
(Regd.No.497/2004) Hyderabad, rep. by its President
K.Narasimha Reddy, S/o.Venkat Ram Reddy, PGT (Bio Science),
APR School (G) Medak R/o.H.No.305, Aameena Complex,
Opp:Survey of India, Uppal, Hyderabad.
- 2 G.Tirupathi S/o.Bhommaiah
- 3 K.Ashok Reddy S/o.Malla Reddu
- 4 R.laxminarayana S/o.Narsaiah
- 5 P.Venugopal Reddy S/o.Papi Reddy
- 6 T.Srinivasulu S/o.Balaiah
- 7 P.Srinivas S/o.Devaiah
- 8 K.Rajaiah S/o.Meenaiah
- 9 G.Bapu Reddy S/o.Malla Reddy

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- 10 V.Dayakar Reddy S/o.Chandra Reddy
- 11 K.Tata Rao S/o.Papa Rao

..... Petitioners

AND

- 1 The Chairman , A.P. Residential Educational Institutions Society,
School
Education Department, Secretariat, Hyderabad
- 2 The Vice Chairman, A.P. Residential Educational Institutions
Society,
/Principal Secretary to Govt, School Education Department,
Secretariat,
Hyderabad
- 3 The Secretary, A.P. Residential Educational Institutions Society
(Regd)
III Floor, Gagan Vihar, Nampally, Hyderabad

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring that the action of second respondent in issuing Rc.No.9943/A2-1/2008 dated 20.10.2008 seeking to effect promotions to the cadre of Principal in A.P. Residential Schools on the basis of un-communicated state wide seniority list though there is an interim order granted by this Hon`ble court in WPMP.No.29049/2008 in WP.No.22296/2008 dated 14.10.2008 directing to follow the Board's Resolution dated 7.9.2004 and also vacate stay petition was filed in WPMP.No.22902/2005 in WP.No.14527/2003 and posted to 19th January 2009 is illegal, arbitrary, and violative of Articles, 14 and 16 of the Constitution of India apart from violative of the safeguards given to Telangana employees;

Counsel for the Petitioners: SRI M. PANDURANGA RAO

Counsel for the Respondents: SRI K. DURGA PRASAD

W.P.No.28017/2009:

Between:

- 1 V.Ramachandra Reddy, S/o Manikya Reddy, Deputy Secretary
Telangana Region A.P Residential Educational Institutions
Society, Sanga
Reddy, R/o Sanga Reddy, Medak Dist .
- 2 J.Ramalingaiah, S/o Pullaiah, Deputy Secretary,
Rayalaseema Region A.P Residential Educational Institutions
Society,
Gooty R/o.Ghooty, Anantapur Dist

..... Petitioners

AND

- 1 The Principal Secretary to Government, Finance (SMPC)
Department,
Secretariat, Hyderabad,
- 2 The Principal Secretary to Government, School Education
Department
Ex/Officio Vice Chairman, A.P Residential Educational Institutions
Society
J.Block, Secretariat, Hyderabad
- 3 The Secretary, A.P Residential Educational Institutions Society,
Third Floor,
Gagan Vihar, Nampally, Hyderabad,
- 4 P.Jagan Mohan Reddy, Deputy Secretary, A.P Residential
Educational
Institutions Society, Third Floor, Gagan Vihar, Nampally,
Hyderabad

.....Respondents

Petition under Article 226 of the Constitution of India,
praying that in the circumstances stated in the petition and the
affidavit filed herein, the High Court may be pleased to issue a writ
order or direction particularly one in the nature of writ of Mandamus
declaring that the action of the Government in

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purporting to issue GO Ms No 147 Finance (SMPC) Department
dated 21-05-2009 suppressing one post of Junior Lecturer and
creating one post of Deputy Secretary, another GO Viz., G.O.Rt No
317 Education (SE.Trig) Department dt: 22-05-2009 appointing the
un-official respondent herein to the said post is illegal, arbitrary and
without jurisdiction and also declaring that the action in seeking to
further promote the Un-Official respondent as Joint Secretary without
completing the requisite service by virtue of an amendment issued to
the Rules vide RC NO 796/C2-1/2006 dt 15-08-2008 is illegal and
arbitrary and consequently declaring that only the persons who are
eligible under the rules alone should be considered for promotion as
Joint Secretary;

Counsel for the petitioners: SRI M. PANDURANGA RAO
Counsel for the Respondent No.1: G.P. FOR FINANCE AND PLANNING
Counsel for the Respondent No.2: G.P. FOR EDUCATION
Counsel for the Respondent No.3: SRI K. DURGA PRASAD
Counsel for the Respondent No. 4: SRI M. SURENDER RAO

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed herein and the order of the High Court dated 10-11-2010 and 16-11-2010 made in W.P.No. 28017 of 2009 and upon hearing the arguments of the above named counsels, the court made the following:

ORDER: After seeing the records produced by the leaned Standing Counsel and after hearing the arguments of the leaned Additional Advocate General, the view expressed by this Court on the earlier occasion is further fortified.

Number of residential educational institutions were established with an object of imparting quality education to the poorer sections in the society. However, the fact of the matter is that the Government has chosen not to appoint a Secretary to the Society and the post of Joint Secretary is caught between the likes and dislikes of the persons, who are vested with the authority.

The record discloses that when the post of Joint Secretary fell vacant in the year 2008, the Selection Committee comprising of Principal Secretary(School Education), Additional Director, Commissioner of Intermediate Education, Director of School Education and Secretary of the Society has approved the name of one Mr. S.V. Shastry, who did not even hold the qualifications. After he retired, the post is being kept vacant and the Selection Committee is raising every possible ground obviously because they did not have a person of their choice. The Chief Secretary, who was added as a party is directed to appraise this Court as to the

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steps being taken to fill the post of Secretary as well as Joint Secretary of the Society, by next week.

Post on 1.12.2010.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1.The Chief Secretary, Govt. of A.P. Secretariat, Hyderabad. (BY SPL.

MESSENGER)

2.The Chairman, A.P.Residential Educational Institutions Society, School

Education Department, Secretariat, Hyderabad.

3.The Vice Chairman, A.P.Residential Educational Institutions Society/Principal

Secretary to Government, School Education Department, Secretariat,

Hyderabad.

4.The Secretary, A.P.Residential Educational Institutions Society (Regd),III

Floor, Gagan Vihar, Nampally, Hyderabad.

5.The Principal Secretary to Government, Finance (SMPC) Department,

Secretariat, Hyderabad,

6 The Principal Secretary to Government, School Education Department

Ex/Officio Vice Chairman, A.P Residential Educational Institutions Society

J.Block, Secretariat, Hyderabad (BY SPL. MESSENGER)

7 P.Jagan Mohan Reddy, Deputy Secretary, A.P Residential Educational

Institutions Society, Third Floor, Gagan Vihar, Nampally, Hyderabad

8.Two CCs to G.P. for Finance & Planning, High Court of A.P., Hyderabad

(BY SPL. MESSENGER)

9. Two CCs to G.P. for Education, High Court of A.P., Hyderabad (BY SPL.

MESSENGER)

10. One CC to Sri M.Panduranga Rao, Advocate (OPUC)

11.One C.C.to Sri K. Durga Prasad Advocate (OPUC)

12 One Spare Copy

bsr

HIGH COURT

LNRJ

DATED: 22-11-2010

POST ON 1-12-2010

ORDER

WP. NOs. 412, 446 and 28017 OF 2009

DIRECTION

Bsr
Dt.25-11-2010

HIGH COURT

LNJR

DATED: 22-11-2010

POST ON 1-12-2010

ORDER

WP. NOs. 412, 446 and 28017 OF 2009

DIRECTION