

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.7211 of 2018

ORDER:

Today, when the matter is taken up, a preliminary objection as to the maintainability of the writ petition is taken by the learned Government Pleader by contending that as against the orders impugned in the present writ petition passed by the District Educational Officer, East Godavari District, Kakinada, an appeal remedy is provided under A.P. Education Act and without exhausting the said remedy, the present writ petition came to be filed.

2. Section 89 of the A.P. Education Act, reads as under:

“Save as otherwise provided in this Act –

- (a) any person aggrieved by an order passed by an officer or authority other than the Director under this Act may, within thirty days from the date of communication of such order, appeal to the Director.
- (b) any person aggrieved by a order passed by the Director under this Act other than an order passed by him under Clause (a) may, within sixty days from the date of the communication of such order, appeals to the Government.

Explanation : For purposes of this section and Section 92, the expression ‘Director’ includes the Additional Director or Joint Director when he exercises the powers of the Director under this Act”.

3. In view of availability of alternative remedy to the petitioner under the above said provision, this Court is not inclined to go into the merits of the matter. However, it is for the petitioner to file appeal before the authority prescribed under the Act within a period of two weeks from the date of

receipt of this order and if any such appeal is filed within the time stipulated above, the appellate authority shall consider the same and pass appropriate orders, as expeditiously as possible, strictly in accordance with law.

4. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 6.11.2018
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