

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.5684 of 2012

O R D E R:

In this Writ Petition, petitioners have questioned G.O.Ms.No.162 Education (SEPS.II-2) Department dt.05.03.2008 passed by the 1st respondent rejecting the request of the Correspondent of the 3rd respondent-School where the petitioners are working in un-aided posts for admission into Grant-in-Aid.

2. It is not in dispute that prior to passing of the impugned order there was an earlier order passed by the 1st respondent on 29.09.2005 also rejecting the said request but not giving reasons except stating that said posts are not eligible as per the A.P. Private Educational Institutions Grant-in-Aid (Regulation) Act, 1988 (for short 'the Act').

3. The 3rd respondent assailed the same in W.P.No.22986 of 2005 and the said Writ Petition was allowed on 10.10.2007 noting that the reason given for not admitting the posts to Grant-in-Aid was grossly inadequate and the provisions of the above Statute had not been considered while arriving at the conclusion.

4. In that order, the applicability of Section 4 of the Act to the case of the petitioners was referred to, and the Court noted that: "A sum of Rs.1,00,000/- was released vide G.O.Ms.No.348 Education Department dt.28.03.1977 as *ad hoc* grant to certain oriental institutions during 1976-77 of which Sivasri Oriental

Elementary School, Sastry Nagar, Cuddapah, which is the previous name of the petitioner's school, received Rs.5,000/-, but the question, whether receipt of such one time small *ad hoc* grant of Rs.5,000/- amounts to admitting an institution into Grant-in-Aid to attract Section 4 of the Act or not, was not raised or argued and it was not possible to give any finding on the said aspect”.

5. Therefore, the intention of the Court when it passed the order dt.10.10.2007 in W.P.No.22986 of 2005 was that while giving reasons afresh the 1st respondent would also deal with the said aspect.

6. But, unfortunately, even in the impugned order that issue has not been taken into account by the 1st respondent as can be seen from para 5 of the said order as mentioned below:

“5. The High Level Committee in its meeting on 13.02.2008 consider the proposals for admission of 24 posts into Grant-in-aid of the said School and rejected the same on the following grounds:

- 1) Appointments of only 9 posts out of 14 are approved by the competent authority and the remaining posts are not approved in respect of Telugu Medium. All Appointments of 10 posts are not approved by competent authority in respect of English Medium.
- 2) As per Act 22/88 no school admitted to GIA prior 1-4-1977 shall be entitled to receive any Grant-in-Aid with respect of additional section/post created after 1-4-77 unless the committee recommends for release of GIA to such additional sections and posts.
- 3) The Government in Govt. Memo No.701/SSE-1/90, Education, dt.18.12.90 also informed that the additional Section/Posts created after 1-6-85 in the schools which were admitted into GIA prior to 1-4-77 alone shall be eligible for GIA if the committee recommends in respect of such sections/Posts.
- 4) As per G.O.Ms.No.1 Edn. Dated: 1-1-94 rule 10(12) the teacher pupils ratio is 1:40 for the schools. In the said oriental aided schools the strength is 738, there are 35 aided posts sanctioned by the Government of which 30

teaching and 5 non-teaching. As per T.P. Ratio there is no sufficient workload to the existing aided teachers in the said institution. Admission of some more posts in GIA in the same institution is burden to public exchequer and not feasible in public interest.

7. In this view of the matter, I am of the opinion that the impugned order cannot be sustained and is accordingly set aside and the matter is remitted back to the 1st respondent to consider the said issue after giving a hearing to the petitioners as well as 3rd respondent-School and then to pass a reasoned order and communicate it to the petitioners and 3rd respondent. This exercise shall be completed within a period of three (03) months from the date of receipt of a copy of this order. It is open to the petitioners as well as the 3rd respondent to raise any other contentions also if they are so advised by filing written submissions in that regard.

8. The Writ Petition is allowed as above. No order as to costs.

9. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S. RAMACHANDRA RAO, J

29th November, 2018.

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