APHC010134962024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3333]

WEDNESDAY ,THE TWENTY NINETH DAY OF APRIL TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 7591/2024

Between:

A V V High School **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. N SRIRAM MURTHY

Counsel for the Respondent(S):

1. GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

The present Writ Petition is filed challenging the action of the respondents in not paying the maintenance grants to the petitioner schools in terms of G.O.Ms. No.320 Education (PS.2), Department dated 16.09.1994 for the years 2020-2021, 2021-2022 and 2022-2023 as illegal arbitrary and consequential direction to the respondents to pay maintenance grants forthwith for the aforesaid years to the petitioner school as per the G.O.Ms. No.320 Education (PS.2), Department dated 16.09.1994.

2. Heard learned counsel for the petitioner as well as learned Government Pleader for School Education, appearing for the respondents.

3. The case of the petitioner, in brief, is that all the private Aided Institutions were paid maintenance grant to enable them to meet the expenditure like maintenance of Electricity charges, rent of telephone, office stationary, water tax, contingent salaries, repair and upkeep of the building, class rooms etc.. Further, as per the law laid down in A.P. Recognized Private Fully Aided School Services (payment of salaries and allowances to teachers) Rules 1981 issued in G.O.Ms.No.365 Education (7.1) Department dated 13-08-1981 (i.e., scheme introduced by the Government

for payment of salaries through Banks to the staff of Private Aided Schools), the District Educational Officer concerned who is the competent authority for releasing Teaching Grants to Aided Schools, has to pay maintenance Grant to the Manager/Correspondent of the Aided School every month along with monthly salaries of Teaching staff and Non-Teaching Staff of Aided Schools. But, the District Educational Officers are not following the rules issued in the above two G.Os regarding release of maintenance grant to the Managements every month, even though the amounts due in this regard are being included in the budget estimates every year. As a result, the Aided Managements have been facing hardship in running the Educational Institutions. While so, the District Educational Officer, Krishna District issued a circular in Rc.No.B1/90 dated 24-10-1990 where under he ordered for the payment of maintenance grant according to 1978 Pay Scales of the teachers. Aggrieved by the said circular, the General Secretary, Krishna District Aided and Un-aided Schools Managers, Correspondents Association and others have filed W.P.No.1159 of 1991 and after hearing both sides, a learned single Judge of this Court by order dated 07-03-1991 directed the State Government to release maintenance grant at the rate of 6% per

annum on the basic pay of the teachers that is being drawn from year to year.

4. The case of the petitioner, is that the State Government in exercise of powers conferred upon it under Section 3(1) of the said Act, issued orders fixing the quantum of percentage of Maintenance Grant vide G.O.Ms.No.320 Education (PS.2) Department dated 16.09.1994. In para 3 of the said G.O., the State Government fixed percentage of Maintenance Grant for each financial year commencing from 1st April 1978. Accordingly, the petitioner is entitled to receive the maintenance grant as per the G.O.Ms.No.320 dated 16.09.1994 for the years 2020-2021, 2021-2022 and 2022-2023 and requested them to pay the maintenance grants. The respondents though received the same, failed to pay the amounts towards maintenance Grant without any justifiable cause or reason. Aggrieved by the action of the respondents in not making the maintenance grant, present Writ Petition is filed.

5. Respondent No.3 filed counter, wherein it is stated that earlier petitioner filed W.P.No.25387 of 2023 with similar prayer i.e., for not releasing the maintenance grant @ 6% by considering the representation submitted by the petitioner. Accordingly, the

respondents have considered the representation submitted by the petitioner on 25.09.2023 and it was returned with certain objections as per law, vide proceedings dated 09.10.2023. The respondents have taken the plea that in the representation, petitioner has neither established that they have complied with the norms prescribed under Rule 19 & 14 of RTE Act nor claimed that having submitted audited statement of account before the cut off period the authorities have failed to release the maintenance grant. Except submitting a formal representation dated 25.09.2023 along with a statement claiming certain amount, without enclosing annual audit report which is mandatory, the petitioner approached this Court by way of this Writ Petition. When there is a rule which mandates to furnish certain documents, the petitioner is supposed to furnish the same and the petitioner failed to do so.

6. It is further stated in their counter that the petitioner sought relief in the Writ Petition for paying maintenance grants for the years 2020-21, 2021-2022 and 2022-2023 for a period of three (3) years but their claim is for the years 2017-18 to 2020-21 as per their representation dated 04.03.2024.

7. However, as the relief sought by the petitioner in the present Writ Petition is for a period of three (03) years i.e., for the years 2020-2021, 2021-2022 and 2022-2023, instead of keeping the Writ Petition pending, this Court feels it appropriate to direct the petitioner to submit requisite documents including the Annual administrative reports and financial statements for the year 2020-21 2022-23 to the respondents within a period of two (02) weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider the same in accordance with law within a period of four (04) weeks thereafter.

8. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE V. SUJATHA

Date: 29.04.2024
Pnr