



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 1355 OF 2023**

Between:

1. Yepuganti Venkata Padmanabham, S/o Chintannu Age 50 Years, OCC-Second Grade Teacher Door.NO 7.94, Ramalayam Center Ramarajulanka, Malikipuram Mandal Dr.B.R.Ambedkar Konaseema District Pin – 533249
2. Chelluboyina Narasimha Swamy, S/o. Kanaka Rao , Age 53 years, Occ-Second Grade teacher, D.No.4-73/1, Kesanapalli, malikipuram mandal, Dr.B.R.Ambddkar Konaseema District.
3. Kandregula China Venkata Ramana, S/o.Apparao, Age 54 years, Occ-Second Grade teacher, H.No.3-148, Malikipuram mandal, Dr.B.R.Ambedkar Konaseema District.
4. Vundapalli Venkata Satyanarayana, S/o. Venkateswara Rao, Age 50 years, Occ-Second Grade teacher, H.No.3-633, Mutyala Satyanarayana Nagar, Padmaja Theatre, Malikipuram mandal, Dr.B.R.Ambddkar Konaseema District.
5. Matta Srinivasa Rao, S/o. Raghavulu, Age 45 years, Occ-Second Grade Teacher, H.No.1-244, Mattavari group, Lakkavaram (v) , malikipuram Mandal, Dr.B.R.Ambedkar Konaseema District

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, School Education Department Secretariat, Velagapudi, Amaravathi, Guntur District, A. P
2. The Commissioner of School Education, A.P Anjaneya Towers, Ibrahimpatnam Vijayawada (NTR) District,
3. The Regional Joint Director of School Education Kakinada, East Godavari District
4. The District Educational Officer, Kakinada, East Godavari District.
5. The Mandal Educational Officer, Sakshinetipalli, Dr.B.R.Ambedkar Konaseema District

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, or order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th and 5th responders in issued the Proceeding RC.No.6/B3/2022 date 18-01-2023 as illegal, arbitrary, irregular, unjust and contrary to the procedure established by law, contrary to the rules of the Andhra Pradesh Teachers (General Promotions and regulation of transfers) Rules issued vide apart from being violative Article 16 of the Constitution of India and set aside the Proceeding issued by the 4th and 5th Respondents RC.No.6/B3/2022 date 18-01-2023 and same in the interest of justice,

IA NO: 1 OF 2023

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Directed the respondents to continue the petitioners here in respective schools without transfers in present places of posting held by petitioners and stay all the Proceeding issued by the 4th and 5th Respondents in the RC.No.6/B3/2022 date 18-01-2023, Pending disposal of WP 1355 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. CH S V SURAJ Advocate for the Petitioner, GP FOR SCHOOL EDUCATION DEPARTMENT for the Respondents, The Court made the following.

ORDER:

Learned counsel for petitioners submits that the petitioners will submit a representation to the respondent authorities for consideration of their case with regard to transfer pursuant to the proceedings vide RC.No.6/B3/2022 dated 18.01.2023 and further submits that before joining duty pursuant to the said proceedings, the respondent authorities have issued another proceedings dated 22.01.2023 directing the petitioners to join in another place i.e. Allavaram Mandal. Learned counsel for the petitioners submits that in view of both the proceedings, the petitioners are unable to report to duty. More so, as of now they are continuing at present places.

On the other hand, the learned Government Pleader submits that the petitioners were already relieved from their existing schools respectively on 19.01.2023.

Having gone through the proceedings issued by the respondents dated 18.01.2023 and 22.01.2023, it appears that the respondents are acting in a hasty manner and without there being any application of mind and that the proceedings issued by the 4th respondent dated 18.01.2023 and 22.01.2023 directing the petitioners to report in a different place within a span of three days are nothing but dereliction of duties and without any concern towards the employees subordinate to them. Therefore, a presumption can be drawn that the present transfer sought in respect of petitioners by the respondent is on the Administrative grounds, but it indicates otherwise.

In view of the same, *status quo* obtaining as on today shall be maintained by the respondents for a period of four (4) weeks.

Post the matter on 14.02.2023.

Sd/- G. HELA NAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary to Government, State of Andhra Pradesh, School Education Department Secretariat, Velagapudi, Amaravathi, Guntur District, A. P
2. The Commissioner of School Education, A.P Anjaneya Towers, Ibrahimpatnam Vijayawada (NTR) District,
3. The Regional Joint Director of School Education Kakinada, East Godavari District
4. The District Educational Officer, Kakinada, East Godavari District.
5. The Mandal Educational Officer, Sakshinetipalli, Dr.B.R.Ambedkar Konaseema District (**Addressees 1 to 5 by RPAD**)
6. One CC to SRI. CH S V SURAJ Advocate [OPUC]
7. Two CCs to GP FOR SCHOOL EDUCATION DEPARTMENT, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

PSR

HIGH COURT

NV,J

DATED:24/01/2023

NOTE: POST THE MATTER ON 14.02.2023

ORDER

WP.No.1355 of 2023

STATUS QUO

