



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

**WEDNESDAY, THE TWENTY EIGHTH DAY OF JUNE,
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 15325 OF 2023**

Between:

Shaik Ameer Basha, S/o Shaik Mastanaiah, aged about 51 years, Occ: School Assistant (Hindi), ZPHS, Mulapadava, Vakadu Mandal SPSR Nellore District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, School Education Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh, rep., by its Principal Secretary to Government, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
3. The Commissioner and Director of Municipal Administration, Andhra Pradesh, Mangalagiri, Guntur District.
4. The Commissioner of School Education, Anjaneya Towers, Road No.7/ 104, B Block, 4th VTPS Road, Ibrahimpatnam, NTR District, (Old Krishna District).
5. The Nellore Municipal Corporation, rep. by its Commissioner Nellore, SPSR Nellore District.
6. The Regional Joint Director of School Education, Guntur, Guntur District.
7. The District Educational Officer, SPSR Nellore District, Nellore

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Order, Direction or Writ more particularly one in the nature of Writ of Mandamus, to declare the action of 1st respondent in issuing G.O.Ms.No.170 School Education (Services-II) Department dated 05-11-2022 wherein cancelled the orders issued in G.O.Ms.No.116 Municipal Administration and Urban Development (D1) Department dated 10-03-2019 of the 2nd respondent and consequential action of the 7th respondent in issuing proceedings vide Rc.No.SPL/NELLORE/2023 dt:11-06-2023 wherein transferred and posted the petitioner from ZPHS, Dargamitta Nellore, Nellore Mandal to ZPHS, Mulapadava, Vakadu Mandal, SPSR Nellore District in pursuant to G.O.Ms.No.47 School Education (Services-II) Department dated 22-05-2023 issued by the 1st respondent is illegal, arbitrary, unjust, without any authority, Discriminatory and also contrary to the final orders passed by this Hon'ble Court in WP No.21768 of 2020 and WP.No.19393 of 2020 dated 25-01-2021 and 08-02-2021 and consequently set aside the same by directing the respondents to post the petitioner in ZPHS, Dargamitta Nellore, Nellore Mandal, SPSR Nellore District or in any school which is situated within the limits of 5th respondent corporation.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to post the petitioner in ZPHS, Dargamitta Nellore, Nellore Mandal, SPSR Nellore District or in any school which is situated within the limits of 5th respondent corporation by suspending the proceedings vide Rc.No.SPL/NELLORE/2023 dt:11.06.2023 of the 7th respondent, pending disposal of WP.No.15325 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 M/s Kavitha Gottipati, Advocate for the Petitioner and GP for Education for the Respondent Nos.1, 4, 6 & 7 and GP for Municipal Administration & Urban Development for the Respondent Nos.2 & 3 and Sri Kalava Suresh Kumar Reddy, Standing Counsel for the Respondent No.5, the Court made the following;

ORDER:

"Heard the learned counsel for the petitioner.

On perusal of the orders passed by this Hon'ble Court in various Writ Petitions and also Writ Petition No.40465 of 2022, it is clear that there is a direction to the respondents not to conduct counseling for such places where the petitioners are presently posted and working. Contrary to the said directions the present impugned orders have been passed on 11.06.2023.

Considering the submissions and on perusal of the record, the impugned proceedings dated 11.06.2023 are suspended.

Post after four (4) weeks."

//TRUE COPY//

**SD/- B CHITTI JOSEPH
ASSISTANT REGISTRAR**

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, School Education Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary to Government, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.

3. The Commissioner and Director of Municipal Administration, Andhra Pradesh, Mangalagiri, Guntur District.
4. The Commissioner of School Education, Anjaneya Towers, Road No.7/ 104, B Block, 4th VTPS Road, Ibrahimpatnam, NTR District, (Old Krishna District).
5. The Commissioner, Nellore Municipal Corporation, Nellore, SPSR Nellore District.
6. The Regional Joint Director of School Education, Guntur, Guntur District.
7. The District Educational Officer, SPSR Nellore District, Nellore (Addressee Nos.1 to 7 by RPAD)
8. One CC to M/s Kavitha Gottipati, Advocate [OPUC]
9. Two CCs to GP for Education, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Municipal Administration & Urban Development, High Court of AP [OUT]
11. One CC to Sri Kalava Suresh Kumar Reddy, Standing Counsel [OPUC]
12. One spare copy

MM

HIGH COURT

DRJ

DATED:28/06/2023

NOTE: POST AFTER FOUR (4) WEEKS

ORDER

WP.No.15325 of 2023

DIRECTION

