

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

MONDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 32 OF 2023



Between:

1. Thota Nagaratnam, D/o China Kotaiah aged about 59 years, Occ Secondary Grade Teacher, MPUP School, Reddipalem Village, Guntur Rural Mandal, Guntur District, A.P.
2. Seelam Jyothi Johnson, D / o S. Johnson Aged 57 Years, Occ Secondary Grade Teacher, MPUP School, Reddipalem Village, Guntur Rural Mandal, Guntur District, A.P.

Petitioners

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, School Education Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner of School Education, Anjaneya Towers, Road No.7/104, B Block, 4th VTPS Road, Ibrahimpatnam, NTR District, (Old Krishna District).
3. The District Educational Officer, Guntur District, Guntur.

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 a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondents M not permitting the petitioners to avail Preferential category in the present transfer counseling who are being affected apportionment, as is being considered to the teachers who were affected by re-apportionment due to mapping of schools under clause 2 (iv)(d) of G.O.Ms. No. 187, School Education (Services-II) Department dated 10.12.2022 and amended GO Ms No. 190 dated 21-12-2022 as illegal, arbitrary, discriminatory, unjust and contrary to law apart from being violative Article 14 of the Constitution of India and consequently direct the respondents to consider the case of petitioners under Preferential Category in the present transfer counseling which is commenced from 12-12-2022 onwards in pursuant to G.O.Ms. No. 187, School Education (Services-II) Department dated 10.12.2022 issued by the 1st respondent.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the case of petitioners under Preferential Category in the present transfer counseling which is commenced from 12 12-2022 onwards in pursuant to G.O.Ms. No. 187, School Education (Services-II) Department dated 10.12.2022 issued by the 1st respondent, pending disposal of WP 32 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 Smt. Kavitha Gottipati, Advocate for the Petitioners and of GP FOR SERVICES III for the Respondents, the Court made the following

ORDER:

"Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

Learned counsel for the petitioners would submit that in similar circumstances, by an order dated 26.12.2022 in W.P.No.40701 of 2022 and batch, this Court granted an interim order as follows:

"This Court has on the earlier occasion, was pleased to direct the Official Respondents to proceed with the process under G.O.Ms.No.187 up to the Stage-4 (Serial-4) mentioned in Paragraph No.6 of the G.O. and await for further Orders from this Court.

Liberty was granted to the Official Respondents only to process up to Stage-4 (Serial-4) of Paragraph No.6 of the G.O.Ms.No.187; and that they shall not proceed beyond Stage-4 (Serial-4) until further Orders. Since this process is now completed, they are at liberty to consider/redress the Replies/Objections of the Writ Petitioners as contemplated at Stage-5 (Serial-5) and await for further Orders of this Court. It is clarified that they shall not display the Final List as contemplated at Stage-6 (Serial-6) of Paragraph No.6 of the G.O.Ms.No.187, dated 10.12.2022 until further Orders."

Learned Government Pleader for Services-III appearing for the respondents has not disputed the submission made by the learned counsel for the petitioners.

In view of the above, there shall be an interim direction in terms of the order dated 26.12.2022 passed by this Court in W.P.No.40701 of 2022 and batch.

List the matter on 04.01.2023."

**Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

- 1. The Principal Secretary, School Education Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.**
- 2. The Commissioner of School Education, Anjaneya Towers, Road No.7/104, B Block, 4th VTPS Road, Ibrahimpatnam, NTR District, (Old Krishna District).**
- 3. The District Educational Officer, Guntur District, Guntur. (Addresses 1 to 3 by RPAD)**

4. One CC to Smt. Kavitha Gottipati, Advocate [OPUC]
5. Two CCs to GP FOR SERVICES III, High Court of Andhra Pradesh. [OUT]
6. One spare copy

NPC

HIGH COURT

NVJ

DATED:02/01/2023

LIST THE MATTER ON 04.01.2023.

ORDER

WP.No.32 of 2023



INTERIM DIRECTION