

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 9490 of 2023

ORDER:

The present writ petition is filed under Article 226 of Constitution of India for the following relief/s:

“....to issue writ order or direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the Respondents in not releasing the Maintenance Grant at the rate of 6% on the Teaching Grant payable to the Petitioner Nos. 1 to 4 for the years 2020-2021, 2021-2022 and 2022-2023 and to the Petitioner Nos. 5 to 10 for the year 2022-23 as per Section 3 of A.P.Educational Institutions Maintenance Grant (Regulation) Act, 1955 and the law laid down by this Hon'ble Court reported in 1997 (3) ALD 40 and the order made in W.P.No.3449 of 2003, dated 30-09-2016 as illegal, arbitrary and discriminatory and consequently direct the respondents to pay the Maintenance Grant at the rate of 6% on Teaching Grant for the above said years to the petitioners forthwith and pass such other order or orders....” (in verbatim)

2. Heard, Sri N. Siva Reddy learned counsel for the petitioners, learned Government Pleader for Education appearing for respondent Nos. 1, 3 & 4 and learned Government Pleader for Finance appearing for the 2nd respondent.

3. It is submitted by learned counsel for petitioners that the issue in the present writ petition is squarely covered by an order dated 30.09.2016 passed by the High Court of Judicature at

Hyderabad for the State of Telangana and the State of Andhra Pradesh in W.P.No.3449 of 2003, wherein a learned Single Judge allowed the writ petition. A copy of the said order is placed on record as a material paper. The relevant Paragraphs 21 and 22 of the Judgment read thus:

“21. In any view of the matter, the contention of the learned Government Pleader is that the petitioner is not entitled to maintenance grant in view of G.O.Ms.No.320, which was struck down by this Court in the judgments referred supra. Even otherwise, the discriminatory attitude of the Government giving concession to one educational institution and denying benefit to the petitioner’s educational institution cannot be encouraged by the Courts, since it is arbitrary and discriminatory in not releasing grant-in-aid to the petitioner’s association whose object is to provide free education. In those circumstances, this Court has no option except to hold that the inaction of the respondents is arbitrary in not releasing the maintenance grant-in-aid to the petitioner’s educational institution and consequently, I hold that the petitioner is entitled to all the benefits as decided in Recognised Schools Managements Associations case. Hence, the respondents are directed to work out maintenance grant @ 6% and arrange to pay the same within a period of three months from the date of receipt of copy of this order to the petitioner’s educational institution, on par with other schools.

22. With the above direction, the writ petition is allowed.”

4. It is also brought to the notice of this Court that the matter is carried in appeal in W.A.No.1296 of 2016 and a

Division Bench dismissed the same by an order dated 03.08.2018 confirming the order passed by the learned Single Judge in W.P.No.3449 of 2003. A copy of the same is placed on record as a material paper. It is also brought to the notice of this Court that the Special Leave to Appeal (C) No.31292 of 2018 preferred before the Hon'ble Apex Court against the order dated 03.08.2018 in W.A.No.1296 of 2016 is also dismissed by an order dated 14.12.2018. A copy of the said order is also placed on record as a material paper.

5. In view of the same, the Writ Petition is allowed in terms of the above said orders. The respondents are directed to pay the arrears of maintenance grant to the petitioners, as prayed for, within a period of eight (08) weeks from the date of receipt of a copy of this order. No costs.

6. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

7. Registry is directed to enclose a copy of the order dated 30.09.2016 passed in W.P.No.3449 of 2003 and a copy of the order dated 03.08.2018 passed in W.A.No.1296 of 2016.

VENKATESWARLU NIMMAGADDA, J

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