



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

[3506]

FRIDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 7886/2025

Between:

K S Vijay Anand

...PETITIONER

AND

The Government Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.HARANADHA RAJU
KATTA

Counsel for the Respondent(S):

1.GP FOR SERVICES
II

The Court made the following ORDER:

This writ petition is filed under Article 226 of Constitution of
India seeking following prayer:

“to declare the action of the 2nd respondent issued
an impugned order Rc.No.3762/A3/B5/2024, dated
16.01.2025, wherein it was informed to the petitioner
that under work adjustment of surplus aided teachers

into the needy Aided Schools in Nandyal District proposed the petitioner Deputation to SRKGV Aided HS Mahanandi as per G.O.Ms.No.59, School Education (PS) Department, dated 22.06.2023, as illegal, arbitrary, unjust, discriminatory and violative of Article 14 of the Constitution of India and consequently set aside the same and direct the Respondents to permit the petitioner herein to continue in service as a school teacher in the present school i.e., St. Mary Fathima HS, Nandyal and pass such other orders.”

2. Heard Sri K.Haranadha Raju, learned counsel for petitioner and learned Assistant Government Pleader for School Education for the respondents.

3. Petitioner is working as Secondary Grade Teacher in 7th respondent school and has put in 33 years of service. After petitioner got appointed, two more persons, namely Sri V.Shaik Shavali, got appointed in the year 2000 and Smt.G.Mary Louisa, got appointed in the year 2012 and both are juniors to him. By impugned proceedings vide Rc.No.3762/A3/B5/2024, dated 16.01.2025, 2nd respondent issued orders under the guise of working administration of surplus aided teachers into the needy aided schools in Nandyal District, whereby petitioner has been posted on deputation at SRKGV Aided High School, Mahanandi.

Petitioner being aggrieved by such deputation filed present writ petition.

4. Learned counsel for petitioner submits that in terms of G.O.Ms.No.59, School Education (PS) Department, dated 22.06.2023, Government issued orders by stipulating norms to be followed for filling up vacant aided teacher posts besides guidelines to be adopted. In terms of clause 8(vii) of said G.O., it has been stipulated that while undertaking rationalization exercise with respect to upper primary schools and high schools and whenever transfer of surplus teachers from one school to another school is contemplated, the same shall have to be done first by seeking options from willing teachers in affected school and failing which, as a second option, the transfers should be effected from junior most in the category of the post concerned in that school. Petitioner has not given any such willingness and when there were two juniors, question of transferring petitioner instead of first exhausting juniors does not arise.

5. Learned Assistant Government Pleader has placed on record written instructions dated 04.04.2025, inter alia stating that petitioner though has been transferred in pursuance to impugned proceedings has not yet been relieved from duty and further that

there are two more Secondary Grade Teachers namely Sri V.Shaik Shavali and Smt.G.Mary Lousia, who are juniors. Since petitioner is found to be surplus at 7th respondent school has been proposed to be deputed to SRKGV Aided High School, Mahanandi and tried to justify the impugned proceedings.

6. G.O.Ms.No.59, dated 22.06.2023, which stipulates guidelines for regularization of the services of teachers working against grant-in-aid posts in private colleges, in particular dealing with transfer of surplus teachers, reads as under:

“8. The following guidelines shall be adopted for rationalization of the services working against Grant-in-aid posts in private aided schools:-

xxxxxx

vii. Whenever a transfer of surplus teacher in a school is called for as per the rationalization exercise under these guidelines, the same shall be done in the first instance by obtaining options of the willing teachers in the affected school, failing which such transfer shall be done starting from the junior most in the category of post concerned in that school. If a category of post covers 2 or more subjects as in each of SA(Sci) or SA(Maths/Science) or SA (Humanities), etc., the junior most in that subject is to be identified as surplus.”

7. Plain reading of aforesaid clause goes to show that either on one's willingness to accept transfer or if it is a compulsory transfer, the same has to commence from junior most in the category of the post. Apparently, in the present case, there are three Secondary Grade Teachers working, of which petitioner is senior most amongst them. In terms of aforesaid guidelines, person who is junior most has to be first deputed on transfer and only thereafter, petitioner could have been transferred. The impugned order to the extent of transferring petitioner who is senior most without exhausting the transfers of juniors is clearly in contravention of the aforesaid clause. In this view of the matter, the impugned proceedings issued by the 2nd respondent are liable to be set aside.

8. Accordingly, this writ petition is allowed and the impugned proceedings vide Rc.No.3762/A3/B5/2024, dated 16.01.2025, issued by the 2nd respondent are hereby set aside. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J

04.04.2025
SS