

CASE DETAILS

PRIMARY DETAILS						
Main Number	WP 19663/2023		SR Number	WPSR 31211/2023		
Petitioner	UNITED PRIVATE EDUCATIONAL INSTITUTION FEDERATION		Respondent	THE STATE OF AP		
Petitioner Advocate	SRI VIJAY MATHUKUMILLI		Respondent Advocate	GP FOR SCHOOL EDUCATION		
Case Category	NON-SERVICE		District	KRISHNA		
Filing Date	03/08/2023		Registration Date	03/08/2023		
Listing Date	08/11/2023		Case Status	DISPOSED		
Disposal Date	08-11-2023		Diposal Type	CLOSED NO COSTS		
Purpose	-		Scrutiny Officer name	ULP		
Hon'ble Judges	The Honourable Smt Justice V.SUJATHA					
Category						
Category	WP		Sub Category	EDUCATION (MISC.MATTE		
Sub Sub Category	-					
IA DETAILS						
IA Number	Filing Date	Advocate Name	Misc.Paper Type	Status	Prayer	Order
IA 1/2023	03/08/2023	SRI VIJAY MATHUKUMILLI	Direction Petition	Pending	IA PRAYER	-
IASR 72071/2023	03/08/2023	SRI VIJAY MATHUKUMILLI (13767)	Direction Petition	PENDING FOR SCRUTINY		
USR Details						
USR Number	Advocate Name		USR Type	USR Filing Date	Remarks	
WPUSR 76395/2023	SRI VIJAY MATHUKUMILLI		Tommorrow Slip	03/08/2023	PENDING FOR SCRUTI	
WPUSR 104354/2023	GP FOR SCHOOL EDUCATION (AP)		Counter Affidavit	09/10/2023	ACCEPTED	
CONNECTED MATTERS						
Connected Case Number						
VAKALATH						
Advocate Code	Advocate Name			P/R No.	Remarks	
2008	GP FOR REVENUE			5(R)	-----	
LOWER COURT DETAILS						
PRAYER						
<p>pleased to issue an appropriate writ more in the nature of Writ of Mandamus the action of the 4th Respondent in issuing proceedings vide Rc No 151263/Sch V/2023 whereby and whereunder he has directed all the private unaided Schools as Corporate Schools in the District to waive off the fee for the children of accreditd 100percent for the academic year 202324 without any authority or legal basis as being arbitrary illegal and violating Articles 14 and 19 of the Constitution of India a the jurisdiction of the District Collector and consequently set aside the same and issue</p>						

PETITIONER(S)

S.No	Petitioner(S) Name
1	UNITED PRIVATE EDUCATIONAL INSTITUTION FEDERATION 698/2021 Rep by its Chairman Sri Gollapudi Mohan Rao D No 40173/20 Labbipeta Vijayawada Krishna District Andhra Pradesh
2	KAY VEE ORR Education Society Rep by its President Sri Gollapudi Mohan Rao D No 2185 Dwarakamai Nagar Mylavaram Krishna District 521 230

RESPONDENT(S)

R.No	Respondent(S) Name
1	THE STATE OF AP rep by its Principal Secretary School Education Department Secretariat Tullur Velagapudi Guntur District
2	The Commissioner of School Education Government of Andhra Pradesh BBlock 4th Floor Sri Anjaneya Towers NTPS Road Ibrahimpatnam Vijayawada521456
3	District Educational Officer Srikakulam District Andhra Pradesh State
4	District Collector Kothapeta Srikakulam District Andhra Pradesh 532001

ORDERS

Order on	Judge Name	Date of Orders	Order Type	Order Details
WP 19663/2023	The Honourable Sri Justice VENKATESWARLU NIMMAGADDA	2023-08-04	Spl Cell Orders	View (https://aphc.gov.in/hcorders/2023/2063001966320)
IA 1/2023	The Honourable Sri Justice VENKATESWARLU NIMMAGADDA	2023-08-04	Spl Cell Orders	View (https://aphc.gov.in/hcorders/2023/2063001966320)
WP 19663/2023	The Honourable Sri Justice VENKATESWARLU NIMMAGADDA	2023-09-01	Court Proceedings	View (https://aphc.gov.in/hcorders/2023/2063001966320)
WP 19663/2023	The Honourable Sri Justice VENKATESWARLU NIMMAGADDA	2023-09-29	Court Proceedings	View (https://aphc.gov.in/hcorders/2023/2063001966320)
WP 19663/2023	The Honourable Sri Justice VENKATESWARLU NIMMAGADDA	2023-10-13	Court Proceedings	View (https://aphc.gov.in/hcorders/2023/2063001966320)
WP 19663/2023	The Honourable Smt Justice V.SUJATHA	2023-11-08	Final Order	View (https://aphc.gov.in/hcorders/2023/2063001966320)

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION Nos.19663 and 25500 of 2023

COMMON ORDER:

Since the issue involved in both the Writ Petitions is one and the same, these two writ petitions are taken up together and disposed of by way of common order.

W.P.No.19663 of 2023:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an appropriate writ more in the nature of Writ of Mandamus the action of the 4th Respondent in issuing proceedings vide Rc.No.151263/Sch.V/2023, dated 25.07.2023 whereby and where under he has directed all the private unaided Schools as Corporate Schools in the District to waive off the fee for the children of accredited Journalists 100% for the academic year 2023-24 without any authority or legal basis as being arbitrary illegal and violating Articles 14 and 19 of the Constitution of India and also beyond the jurisdiction of the District Collector and consequently set aside the same....”

W.P.No.25500 of 2023:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an appropriate writ more in the nature of Writ of Mandamus the action of the 4th Respondent in issuing proceedings vide Rc.No.Spl-I/2023 dated 15.09.2023 whereby and where under he has directed all the private unaided Schools as Corporate Schools in the District to waive off the fee for the children of accredited Journalists 100% for the academic year 2023-24 without any authority or legal basis as being arbitrary illegal and violating Articles 14 and

19 of the Constitution of India and also beyond the jurisdiction of the District Collector and consequently set aside the same....”

2. The brief facts of the case are that the petitioners are the Federation of United Private Educational Institutions and the Society respectively, filed the present writ petitions for the cause of the students right from Kindergarten to the Post-Graduation level, irrespective of their social or economical status. The Private Unaided Educational Institutions in the State who are the members of the 1st petitioner Federation are governed by the provisions of Andhra Pradesh Education Act, 1982 and the Rules framed there under from time to time and the said act and Rules framed are made applicable vide G.O.Ms.No.1(Edn.), dated 01.01.1994 and all the educational institutions are complying the same.

3. The respondent Collector issued impugned proceedings without any competence and directed the private unaided schools and corporate schools to give 100% concession in the matter of fee to the children of accredited journalists studying in the schools. The Government is introducing several welfare measures in order to encourage the people to take schooling and taxing the Private Unaided Educational Institutions in the State by seeking concessions in the fee for the wards of certain category or class

by the authority that lacks in jurisdiction in fixation of fee or granting of concession.

4. When these matters came up for admission on 04.08.2023 and 29.09.2023 this Court passed the following Interim orders:

“Interim Order in W.P.No.19663 of 2023:

Having regard to the facts and circumstances of the case, there shall be an interim suspension of the proceedings in Rc.No.151263/Sch.V/2023, dated 25.07.2023, issued by the 4th respondent-District Collector, Srikakulam, till further orders.”

“Interim Order in W.P.No.25500 of 2023:

Accordingly, there shall be an interim suspension of the proceedings in Rc.No.Spl-I/2023, dated 15.09.2023, issued by the 4th respondent-District Collector, Chittoor, till further orders.”

5. The respondent No.3 filed counter-affidavit where in it is stated as follows:

“7. In compliance to the above interim suspension orders issued in I.A.No.1 of 2023, W.P.No.19663 of 2023 dated 04.08.2023, the 4th respondent i.e., District Collector, Srikakulam has issued note order instructions to the 3rd respondent to comply with the orders of the Hon’ble High Court. Accordingly, the 3rd respondent i.e., The District Educational Officer, Srikakulam has issued order vide procgs Rc.No.Spl-I/2023 dated 15.09.2023 duly informing all the Deputy Educational Officers and Mandal Educational Officers in the District that, Not to implement the orders issued Procgs Rc.No.Spl-I/2023 dated 15.09.2023, dated 25.07.2023 of the District Collector, Srikakulam till further orders.”

6. Therefore, in view of the averments made in the counter, since the respondents have taken steps pursuant to the interim orders passed by this Court, no further orders required to be

passed in these matters. Hence, the cause in these Writ Petitions does not survive for further adjudication.

7. Accordingly, these Writ Petitions are closed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Date : 08.11.2023

SRT

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION Nos.19663 and 25500 of 2023

Date : 08.11.2023

SRT