

GOVERNMENT OF ANDHRA PRADESH
SCHOOL EDUCATION DEPARTMENT

Memo.No.ESE02-17/544/2020-PS1 -CSE

Date:29/06/2021

Sub: School Education – Private Aided Management Schools – Commencement of the process of filling up of aided posts in pursuance of interim orders passed by the Hon'ble High Court of AP in IA No.1 of 2018 in WP No.1041/2018 – instructions – Issued.

Read:G.O.Ms.No.37, School Education(PS)Dept., dt:14.06.2021.

The attention of all the Regional Joint Directors of School Education and District Educational Officers in the state is invited to the reference read above, wherein Govt have issued orders for commencement of the process of filling up of aided posts in pursuance of the interim orders passed by the Hon'ble High Court in IA No.1 of 2018 in WP.No.1041/2018.

They are further informed that, earlier challenging the ban Memo.No.12080/COSE/A2/2004-4, daed:20.10.2004, WP.No.9503/2005 & batch of Writ petitions filed and in pursuance of the orders of Hon'ble Courts in the Writ petitions/Writ Appeals/SLP on the said subject, Government have permitted all the District Educational Officers / Regional Joint Director of School Education in the state of AP to grant temporary permission to all the Managements of Aided Schools covered in all court cases covered under the judgment of High Court of AP in WP No.9503 of 2005 and batch, dated:30.07.2013, subject to outcome of W.Ps/W.As/SLPs etc., and on certain conditions vide Memo.No.18836/PS/A2/2010, ated:03.12.2016.

Subsequently, Government vide, G.O.Ms.No.40, School Education(PS) Dept., dt:30.06.2017 have withdrawn ban Memo dt:20.10.2004 duly according permission to the institutions covered in W.P.No.9503/2005 and batch (78 Petitioner Managements) for filling up of the aided posts on permanent basis, vide Memo.No.18836/PS/A2/2010-34, dt:30.06.2017.

Pursuant to the above orders, the C&DSE issued instructions/guidelines in Procs.Rc.No.90/PS-1/2010-3, dated: 20.07.2017 for filling up of posts in aided schools covered under W.P.No.9503/2005 and batch.

Subsequently, the process of filling up of the posts was held up due to the abeyance orders issued by the Government in Memo.No.756924/Ps/A2/2017, dated 12-9-2017. The Hon'ble High Court issued interim orders in IA No. 1 of 18 in W.P. No.1041/2018 on 29-2-20 directing the respondents to commence the

process of filling the aided posts vacant in the aided institutions in the state duly suspending the abeyance orders issued in Govt. Memo. dated 12-9-2017.

Govt. in G.O.Ms.No.40, Education (SE/PS-1) Dept., dt:18.06.2013 has issued norms prescribing staffing pattern for aided schools specifically and ordered that if any teaching and non teaching posts are found surplus the same may be rationalized within the district among aided schools. But, certain managements have challenged the said G.O. and the Hon'ble court issued interim orders on 13.08.2013 in WP.No.25319 of 2013 and in certain other similar W.Ps that "Rationalization may be proceeded in accordance with and that however there shall be an interim direction not to finalize the rationalization until further orders" and in another WP.No.25014/2013 the Hon'ble High Court passed orders on 27.08.2013 that " the G.O.Ms.No.40, Education dt:18.06.2013 does not apply to the petitioners institutions i.e., Minority Institutions." The said interim orders of the Hon'ble High Court are still in force. Hence, the School Education department could not go ahead with the staffing pattern as prescribed by G.O.Ms.No.4, Education (SE/PS-1) Dept., dt: 18.06.2013.

Government has prescribed teacher pupil ratio 1:40 under Rule 10(12) of G.O.Ms.No.1, Edn dt: 01.01.1994 for according permission / recognition to the Private Institutions and hence it has been taken into consideration to identify the need to fill up the aided vacancies.

The District Educational Officers in the state are hereby directed to take further course of action in this regard as mentioned below.

1. Constitute teams for preparation of the school wise enrollment (aided sections only), sanctioned aided posts, working teachers, vacancies taking into consideration of the enrollment as on the last working day of the academic year 2020-21 (i.e,19-04-2021 for primary and upper primary schools and 30- 04-2021 for high schools) as reported by the managements in the child info of the Unified District Information of School Education (UDISE+). The data shall be prepared in the format annexed to this order as Annexure-I.
2. Prepare seniority list of surplus teachers (including existing surplus teachers of defunct schools) category wise in the format annexed this order as Annexure –II taking into district as a unit.
3. Prepare needy vacant sanctioned aided posts school wise in the format annexed to this order as Annexure-III.
4. Submit the school wise data i.e, enrollment, sanctioned aided posts, working, vacant , need, surplus, seniority list of surplus teachers school wise needy vacant aided sanctioned posts list to RJDSE concerned for approval.
5. After getting approval by the RJDSE take necessary steps to deploy the

File No.ESE02-17/544/2020-PS1 -CSE

- surplus teachers into the needy sanctioned aided vacant posts in the same management schools through counseling as per seniority.
6. After completion of deploying the surplus teachers into the same management schools, then deploy the remaining surplus teachers in to the needy sanctioned aided vacancies in other management schools through counseling.
 7. Counseling shall be conducted by the DEO in respect of Primary/UP Schools and the RJDSE in respect of High Schools or authorize the DEO concerned to conduct counseling in respect of High Schools also.
 8. The RJDSEs shall closely monitor the entire process in their respective zones and ensure that the entire process shall be completed in a transparent manner.
 9. After the completion of the above exercise, if still need exists, then the DEOs are requested to prepare consolidated list of school wise vacancies to be filled with justification through concerned RJDSES to this office.

They are directed to complete the above work by 31-8-2021 duly following above guidelines and the instructions issued by the in the reference cited scrupulously without any deviation and in a transparent manner. Failure will be viewed seriously and necessary action will be initiated against the concerned.

Encl: Annexure-I,II & III

Chinaveerabhadru Vadrevu
Director, School Education

To:

All Regional Joint Directors of School Education in the state.

All District Educational Officers in the State.

Copy submitted to the Principal Secretary to Government, School Education Department, A.P. Secretariat, Velagapudi.

Copy to Additional PS to Hon`ble Minister for Education, AP, Amaravathi.