APHC010156692025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

TUESDAY, THE 29th DAY OF SEPTEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CONTEMPT CASE No.848 of 2025

Between:

1. ST. JACOB'S AIDED U.P AND HIGH SCHOOL,, MUNDLAPADU, REP., BY ITS CORRESPONDENT, V.J.F. RAMESH BABU, MUNDALAPADU, GIDDELUR MANDAL, PRAKASHAM DISTRICT - A.P.

...PETITIONER

AND

1. MR KONA SESHIDAR I A S, THE PRINCIPAL SECRETARY, DEPARTMENT OF SCHOOL EDUCATION FOR THE STATE OF ANDHRA PRADESH, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, A.P-522503.
2. MR VIJAYA RAMA RAJU I A S, THE DIRECTOR OF SCHOOL EDUCATION, GOVERNMENT OF ANDHRA PRADESH, NEAR HAPPY RESORTS, AATMAKUR, MANGALAGARI, KRISHNA DISTRICT, A.P - 521456.
3. MR B LINGESWAR REDDY, THE REGIONAL JOINT DIRECTOR OF SCHOOL EDUCATION, COLLECTORATE COMPOUND, GUNTUR
4. MR A KIRAN KUMAR, THE DISTRICT EDUCATIONAL OFFICER, PRAKASAM DISTRICT, PRAKASAM BHAVAN, TRUNK ROAD, ONGOLE, ANDHRA PRADESH-523001.
5. MR SAMUL JOHN, THE DUPUTY EDUCATIONAL OFFICER, MARKAPURAM DISIVSION, Z.P. HIGH SCHOOL BUILDING, MARKAPURAM, PRAKASAM DISTRICT A.P. - 523316
6. MR KAVADI VENKATESWARLU, THE MANDAL EDUCATIONAL OFFICER, GIDDALUR MANDAL, MRC BUILDINGS, GIDDALUR, PRAKASAM DISTRICT - A.P. 523357

...CONTEMNOR(S):

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to pleased to summon the Respondents and punish the Contemnors/Respondents for deliberate, willful and wanton disobedience of the Order and Direction in W.P. No. 26407 of 2024 dated 03-12-2024 passed by His Lordship The Honourable Sri Justice Tarlada Rajasekhar Rao of this Hon'ble High Court U/s 10 to 12 The Contempt of Courts Act., Consequently direct the Respondents to implement Order of this Hon'ble Court Passed in W.P. No. 26407 of 2024 dated 03-12-2024 by directing the Respondents to grant permission to fill up the vacant aided posts in the petitioner school.

Counsel for the Petitioner:

1. C SUNIL KUMAR REDDY

Counsel for the Contemnor(S):

1. RAMA CHANDRA RAO GURRAM

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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ORDER:

The Contempt Case is filed to punish the contemnors/ respondents for deliberate, wilful and wanton disobedience of the Order and Direction in W.P.No.26407 of 2024 dated 03.12.2024 and consequently direct the respondents to implement the order of this Court.

2. The prayer in the writ petition is that to issue an appropriate writ or direction to declare the inaction of the respondents in permitting the petitioner schools to fill up the vacant aided posts pursuant to the common order passed by a Coordinate Bench of this Court in W.P.No.30927 of 2022 and batch dated 01.01.2023, as illegal, arbitrary and the said action of the respondents is in contravention to the Right of Children to Free and Compulsory Education Act, 2009 and the Rules made thereunder and, consequently, prayed to direct the respondents to grant permission to fill up the vacant aided posts in petitioner Schools as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and the Rules made thereunder.

3. This Court has disposed of the aforesaid batch writ petitions extracting the guideline issued in the G.O.Ms.No.59 dated 22.06.2023 in the following:

> G.O.Ms.No.59, School Education (PS) Department, dated 22.06.2023, that it indicates the procedure for filling up of teacher posts in aided schools, which reads as follows:
>
> For filling up of teacher vacancies in private aided management, the Regional Joint Director of School Education is competent authority for High School and the District Educational Officer is competent authority for Primary and Upper Primary Schools.
>
> i. Shall permit the aided management to fill up all the Aided vacancies in terms of selection procedure prescribed under G.O.Ms.No.1, Education, dated 01.01.1994 and as per the Schedule prescribed under Sections 19 and 25 of the R.T.E. Act, 2009;
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> ii. In future, whenever vacancies arise, the concerned aided management have to make applications to the competent authorities for filling up the vacancies;
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> iii. On such applications, the competent authorities shall inform the management/institution about the availability of qualified surplus staff, within a period of four (04)

weeks from the date of application and allot said surplus staff on permanent basis;

iv. If surplus staff are not available, the competent authority shall inform the same and permit the management/institutions to fill up the vacancies in accordance with the above said Rule, preferably within a period of two (02) months;

4. This Court has disposed of three writ petitions viz., W.P.No.22847 of 2024, W.P.No.26407 of 2024 and W.P.No.24097 of 2024 and directed to ascertain the availability of qualified surplus staff within the district and to allocate such surplus staff to the management/institution on a permanent basis. If no surplus staff is available, the competent authority shall inform the management/institution, accordingly, permitting them to fill the vacancies in accordance with the rules prescribed in G.O.Ms.No.59 dated 22.06.2023 and G.O.Ms.No.1 dated 01.01.1994. It is to be understood that the process of the filling of the teacher posts shall be completed within a period of three months from the date of receipt of the order.

5. The learned counsel for the petitioner would submit that the respondents have failed to fill the vacancies as per the G.O.Ms.No.59

dated 22.06.2023, according to the G.O., the Regional Joint Director is the competent authority to fill up these posts, however, in the present case, the District Education Officer has filled the posts despite the School being a High School and the teachers that are appointed are unqualified to teach the respective subjects and the respondents were required to fill the vacancies within the district, but in the present case, the posts were filed beyond the district. Furthermore, despite explicit directions from this Court, the respondents failed to fill the vacancies within the stipulated timeframe, during which, the academic year drew to a close, their inaction constitutes a clear violation of this Court's order and amounts to an affront to the administration of justice. Consequently, the respondents are liable to be punished under Sections 10 and 12 of the Contempt of Courts Act, 1971.

6. The respondents' counsel has argued that contempt case is not maintainable as the order of this Court has already been complied with, and the present contempt case is filed subsequent to the compliance order, no wilful disobedience can be attributed to the respondents, this Court had directed the respondents to fill all the existing vacancies of teacher posts of the respective institutions, accordingly, the teacher posts were filled, although the District Educational Officer has appointed

the surplus teachers, the same was ratified by the Regional Joint Director through separate proceedings, since the relief was granted to the respondents, if the order has not been fulfilled to the exact satisfaction of the petitioners institutions, the remedy of the petitioner is to challenge the subsequent compliance order rather than invoking the contempt jurisdiction.

7. The intent and purport of the G.O.Ms.No.59 dated 22.06.2023 is to fill up the vacancies within the district. As seen from the impugned complied order, the respondents have not filled vacancies within the district, it is not compliance of order as per the G.O.Ms.No.59 dated 22.06.2023. The respondents' counsel stated that the G.O.Ms.No.59 was suspended by this Court. The said order copy was not placed before this Court, though it is not disputed by the petitioner's counsel. Although the said G.O. was suspended by a Coordinate Bench of this Court, the respondents should have been implemented in pursuant to G.O.Ms.No.59, as the same was in force and in existence, while issuing the direction by this Court. As argued by the petitioner's counsel, this is not an affront and it is a misnomer, the argument is to provoke the Court to punish the respondents. Though it cannot be said intentionally or wilfully, the order was flouted to some extent, however, the respondents

have filled the vacancies of the respective institutions, as the Prakasam District was bifurcated at the revenue and administrative levels, but not divided at the judicial level, as such, the Court does not propose to punish or convict the respondent looking to the overall circumstances of the matter, but does admonish the respondents taking a broad view of the entire matter.

8. Accordingly, the Contempt Case is closed. No order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 29.09.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CONTEMPT CASE No.848 of 2025

Date: 29.09.2026

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