



**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE**

**&**

**HON'BLE MR. JUSTICE C. PRAVEEN KUMAR**

**WRIT APPEAL No.17 of 2021**

*(Hybrid Hearing Through video conferencing)*

Kondala Rao Menda, S/o Ramaswamy,  
Aged about 39 years, R/o Kaki Bangarupalem,  
Hall Ticket No.18082010000011,  
Mahadevapuram Post, Kandukur Mandal,  
Prakasam District and others.

..Appellants

Versus

The State of Andhra Pradesh  
Rep. by its Principal Secretary  
School Education Department,  
Secretariat, Velagapudi,  
Amaravati, Guntur District and others.

...Respondents

Counsel for the appellants : Ms. Kavitha Gottipati

Counsel for respondent Nos.1 to 3 : Mr. Syed Khader Masthan, GP  
for Addl. Advocate General

**ORAL JUDGMENT**

**Dt:22.10.2021**

*(per Prashant Kumar Mishra, CJ)*

This writ appeal is preferred against an order dated 30.11.2020 passed by the learned single Judge dismissing W.P.No.15486 of 2019 filed by the appellants.

2. The issue brought before the learned single Judge was concerning the selection to the post of Principal (Model School) pursuant to notification No.768/TRC-1/2018-1, dated 26.10.2018.



3. Vide G.O.Ms.No.68, School Education (Exams) Department, dated 26.10.2018, the Government of Andhra Pradesh prescribed the Rules known as "Teacher Recruitment Test (TRT) for the posts of Principals, Post Graduate Teachers (PGTs), Trained Graduate Teachers (TGTs), Physical Education Teachers (PETs), Craft, Art and Music Teachers Scheme of Selection Rules, 2018". Basing on the said rules, the notification dated 26.10.2018 was issued notifying 77 posts for selection of Principals.

4. The writ petitioners had applied for the post of Principal, for which the qualification is prescribed in Clause 4(2)(i) A & B of the aforesaid G.O. They have been found not eligible for selection on the ground that they did not meet the experience criteria and they were not drawing the prescribed scale of pay as provided under Clause 4(2)(i) B (b) inasmuch as the provision requires that the persons holding Group 'B' posts/the post of PGTs (or) Lecturers in the recognized senior secondary schools/equivalent institutions dealing with English Medium in the pay scale Rs.31460-84970 and with a minimum service of 5 years from the date of notification issued.

5. Admittedly, the petitioners did not have experience of five years in the requisite post as on the date of notification. Thus, the learned single Judge dismissed the writ petition having found that the petitioners lack necessary qualification with required experience.

6. Assailing the order passed by the learned single Judge, Ms. Kavitha Gottipati, learned counsel for the appellants/writ petitioners, argues that as a matter of fact, the writ petitioners are having better qualifications or higher qualifications than required under the notification and therefore,



their candidature should have been accepted and they ought to have been appointed in the post of Principals.

7. Mr. Syed Khader Masthan, learned Government Pleader appearing for respondent Nos.1 to 3, submits that the order of the learned single Judge does not warrant any interference.

8. Having heard the learned counsel for the parties at length, we are not inclined to accept the submission of the learned counsel for the appellants for the reason that G.O.Ms.No.68, dated 26.10.2018 clearly prescribes the experience to be gained in a particular level of schools and not higher or lower schools. If persons having experience in the higher grade schools are selected then all those candidates, who were having some or the other higher qualification, ought to have been considered. If a particular provision is modified or interpreted in a different way, it requires level playing field to all such candidates who have the same qualification, which the Courts would like to accept at a later stage. Even otherwise provisions in the G.O. cannot be added or modified or diluted.

9. In our considered view, the learned single Judge has not committed any such illegality warranting interference in this intra court appeal.

10. Accordingly, the Writ Appeal is dismissed. No costs. Pending miscellaneous applications, if any, shall stand dismissed.

**PRASHANT KUMAR MISHRA, CJ**

**C. PRAVEEN KUMAR, J**

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