

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: WRIT PETITION NO:333 OF 2026
PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
	06.01.2026	<u>VN, J</u> Notice before admission, returnable in four weeks. This writ petition is filed questioning the action of Respondent-University in discontinuing the Services of the Petitioners on the ground that the Petitioners has attained the age of 60 years, as illegal and arbitrary. The Petitioners were appointed as Teaching Assistant and Assistant Professor on contractual basis in 1996, 1995, 2008 respectively after issuance of a notification and due selection process. Later, Petitioner No.1 was re-designated as Assistant Professor, Petitioner No.2 is re-designated as Assistant Professor. While so, the Petitioners were relieved from service on the ground that they have reached the superannuation age of 60 years. Hence, the present writ petition. Learned counsel for the Petitioners submits that the Petitioners has been appointed in a sanctioned post and after due selection process, cannot be differently treated than regular	

		employees, whose age of superannuation has been enhanced to 65 years vide G.O.Ms.No.39 Higher Education (U.E) Department dated 29.07.2023. Learned counsel for the Petitioners further submits that it is settled principle of law that a contractual employee cannot be replaced by another contractual employee and therefore, seeks for extension of service till attaining the age of 65 years or only a regular employee is employed in the said faculty. Learned standing counsel for the University submits that the G.O.Ms.No.39 applies to regular employees and not to contractual employees and in that context, the impugned proceedings superannuating the Petitioners cannot be faulted. Heard both the learned counsel. The Petitioners having appointed on contract basis, cannot be terminated on attaining the age of superannuation as the Rules of superannuation are not applicable to the said employees. The University can continue the services of the contractual employees not only beyond 60 years but also beyond 65 years subject to requirement. It is to be noted that G.O.Ms.No.39 Higher Education (U.E) Department dated 29.07.2023 does not make any	
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		distinction between regular employee and contractual employee. Be that as It may, the contention of the Petitioners that contractual employee cannot be replaced by another contractual employee merits consideration. Therefore, the Respondents are directed to re-engage the Petitioners, in the event another contractual employee is sought to be appointed In place of Petitioners, till the Petitioners attains the age of 65 years. Post on 03.02.2026. _____ VN, J CHS	
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