

[3460]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 333 OF 2026

Between:

1. Dr.Y.R.K.V.Tirupati Rao, S/o.Y.Raminaidu, Age 62 years, Occ: Assistant Professor on Contract basis, Department Of Botany & Microbiology, University College of Sciences, Acharya Nagarjuna University, R/o.Agraharam Street, Bobbili, Vizianagaram District.A.P.
2. Dr.P.V.Nageswara Rao, S/o.Mallaiah, Age 63 years, Occ: Assistant Professor on Contract basis. Department Of Geology, University College of Sciences, Acharya Nagarjuna University, R/o.54-6-1781, 8th Line, Employees Colony, Kakani Road, Kothapeta Post, Guntur. Guntur District.
3. Dr.P.Venkat Rao, S/o.Chandranna, Age 62 Years, Occ: Assistant Professor on Contract basis. Department Of Social Work, ANU PG Center, Ongole, Acharya Nagarjuna University Presently Working on Deputation in Department Of Social Work, Andhra Kesari University at Ongole, R/o.D.No.8-5-54, Settibaliya Street, Near Rama Durga Theater, Ramachandrapuram, East Godavari. A.P.

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary,
Department of Higher Education, Secretariat Buildings, Velagapudi,
Guntur District - 522238 Andhrapradesh. prlsech@ap.gov.in

2. Acharya Nagarjuna University, Represented by Its Registrar Nagarjuna Nagar-522510, Guntur District, Andhra Pradesh.
3. The Vice Chancellor, Acharya Nagarjuna University , Nagaijuna Nagar-522510, Guntur District, Andhra Pradesh.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI DEVALARAJU ANIL KUMAR, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent University in discontinuing the petitioners services by treating them superannuated at the age of 60 as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India. The petitioners further seeks a consequential direction to retain and continue petitioners in the post of Assistant Professor till they attains the age of 65 years in terms of G.O. Ms. No. 39 dated 29.07.2023, or in the alternative, to continue petitioners in service until a regularly selected and duly appointed candidate joins the sanctioned post;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri DEVALARAJU ANIL KUMAR, Advocate for the Petitioners, learned GP FOR HIGHER EDUCATION for the Respondent No.1, Sri M. CHALAPATHI, Standing Counsel for the Respondent Nos.2&3 directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, State of Andhra Pradesh, Department of Higher Education, Secretariat Buildings, Velagapudi, Guntur District - 522238 Andhrapradesh. [prlsecv he@ap.gov.in](mailto:prlsecvhe@ap.gov.in)
2. The Registrar, Acharya Nagarjuna University, Nagarjuna Nagar-522510, Guntur District, Andhra Pradesh. /

3. The Vice Chancellor, Acharya Nagarjuna University , Nagaijuna Nagar- 522510, Guntur District, Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 03.02.2026, on which date the case stands posted for hearing.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the Respondents to continue and retain the petitioners in the post of Assistant Professor till a regularly selected and duly appointed candidate joins the sanctioned posts, pending disposal of WP No. 333 of 2026, on the file of the High Court.

The Court made the following ORDER:

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 redesignated 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 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.

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, State of Andhra Pradesh, Department of Higher Education, Secretariat Buildings, Velagapudi, Guntur District - 522238 Andhrapradesh. prlsech@ap.gov.in (BY SPECIAL MESSENGER)
2. The Registrar, Acharya Nagarjuna University, Nagarjuna Nagar- 522510, Guntur District, Andhra Pradesh.
3. The Vice Chancellor, Acharya Nagarjuna University , Nagaijuna Nagar- 522510, Guntur District, Andhra Pradesh. (2&3 by RPAD- along with a copy of petition and affidavit) ✓
4. One CC to SRI. DEVALARAJU ANIL KUMAR Advocate [OPUC] ✓
5. Two CCs to GP FOR HIGHER EDUCATION, High Court Of Andhra Pradesh. [OUT] ✓
6. One CC to SRI M. CHALAPATI, STANDING COUNSEL [OPUC] ✓
7. One spare copy

Kj

HIGH COURT

VN,J

DATED:06/01/2026

POST ON 03.02.2026

NOTICE BEFORE ADMISSION

WP.No.333 of 2026

DIRECTION

