



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

[3458]

MONDAY, THENINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 7973/2020

Between:

1.G.GANGADHARAIHAH,, S/O PEDDA RAMAIAH, 60 YEARS,
INFORMATION.SCIENTIST, CENTRAL LIBRARY, SRI
KRISHNADEVARAYA UNIVERSITY, ANANTAPURAMU, R/O PLOT NO.
123, SHILPA NAGAR, OPP. RAJIV SWAGRUHA, KADIRI ROAD,
ANANTAPURAMU

...PETITIONER

AND

1.THE STATE ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI

2.SRI KRISHNADEVARAYA UNIVERSITY, REP. BY REGISTRAR
ANANTHAPURAMU, ANANTHAPURAMU DISTRICT

...RESPONDENT(S):

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 it is hereby prayed that this Honourable Court may be pleased to issue a Writ Order or direction particularly one in the nature Writ of Mandamus declaring the action of the Respondent in seeking to retire the petitioner at the age of 60 years and further not treating the Petitioner as regular teaching staff as illegal and contrary to the Judgment of this Honourable Court and further declare the resolutions of the Executive Council No.168-3120 3.2.3, dt.21-12-2020 as illegal, arbitrary and contrary to the UGC guidelines and further declare that the Petitioner is entitled to retire at the age of 62 years as per G.O.Ms.No.59, Higher Education UE Department, dt.24-12-2014 by setting aside the Memo No.SKU / NT.Esst/E1 2/2020, dt. 10-03-2020 issued by the

2nd Respondent and further declare that the Petitioner is entitled to salary from June 2020 to May 2022 with all consequential allowances, Career Advancement Scheme benefits, Revised Pay Scales of UGC 2006 and 2016 and further calculate his pension considering the said period from June 2020 to May 2022 as on duty and pay arrears thereof and pass such other order or orders as the Honourable Court deems fit and proper in the circumstances of the case and in the interest of justice. Main prayer amended/substituted as per Court Order dt. 16-12-2022 vide I.A.No. 1/2022 in WP No. 7973 of 2020.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the Memo No. SKU/NT.Estt/E1(2)/2020, dt. 10.03.2020 issued by the 2nd Respondent and continue the Petitioner till the attaining the age of 62 years pending disposal of the above writ petition and pass

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to list the matter and take up the hearing of the above writ Petition

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioner to amend the main prayer by adding the words "and further declare the resolutions of the Executive Council No. 168-3120(3.2.3), dt. 21.12.2020 as illegal, arbitrary and contrary to the UGC guidelines, in the prayer after the words "not treating the Petitioner as regular teaching staff as illegal and contrary to the judgment of this Hon'ble Court" and before the words "further declare that the Petitioner is entitled to retire at the age of 62 years as per G.O.Ms.No. 59, Higher Education (UE) Department, dt. 24.12.2014"

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional material paper, in the interest of justice, pending disposal of the main appeal and pass such other order or

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the petitioner to amend the main prayer by including the words "and further declare that the Petitioner is entitled to salary from June 2020 to May 2022 with all consequential allowances, Career Advancement Scheme benefits, Revised Pay Scales of UGC 2006 and 2016 and further calculate his pension considering the said period from June 2020 to May 2022 as on duty and pay arrears thereof and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to expedite the hearing of the main writ petition by fixing an early date and pass

Counsel for the Petitioner:

1.M SRIKANTH

Counsel for the Respondent(S):

1.O UDAYA KUMAR SC For S K UNIVERSITY

2.GP FOR SERVICES II

3.GP FOR HIGHER EDUCATION (AP)

The Court made the following:

WRIT PETITION NO: 7973/2020**ORDER:**

Heard Sri M.Srikanth, learned counsel for the petitioner and Sri O.Udaya Kumar, learned Standing Counsel for the 2nd respondent.

2. The grievance of the petitioner is that in terms of G.O.Ms.No.59, Higher Education (UE) Department, dated 24.12.2014, he is entitled to retire at the age of 62. The respondents are not considering the petitioner as regular teaching staff of the 2nd respondent University and are requiring him to retire from service at the age of 60.

3. The petitioner was working as Information Scientist in Sri Krishnadevaraya University Library. The Post of Information Scientist is an academic (non-vocational) post, petitioner's services were regularized as Information Scientist in 2nd respondent University and it is contended that the petitioner was also assigned teaching duties in addition to administrative duties including Deputy Warden, Additional Warden, Hostel Manager and NSS Programme Officer. It is contended that the petitioner has also discharged the duties of Shodhganga, Shodhgangotri and e-Shodhsindu as Co-ordinator of Information Library Networking (INFLIBNET) under UGC.

4. Learned Counsel Sri M.Srikanth, appearing for the petitioner would contend that the Post of Information Scientist is equivalent to Assistant Librarian as per the UGC regularizations and the scale of the petitioner is also applicable to Assistant Librarian. It is contended that the UGC *vide* its letter

dated 08.06.1998, declared the Librarians working in Universities as Teachers and by its letter dated 25.07.2008, declared the post of Lecturer, Assistant Librarian in the University are equivalent to the post of Information Scientist. As per UGC guidelines, an Information Scientist has been declared as an academic post and equated with Assistant Librarian of the University in its proceedings dated 17.04.2009.

5. Further reliance is placed on G.O.Ms.No.35, Higher Education (U.E.I-1) Department dated 16.06.2003, wherein a decision has been taken to adopt the uniform of designations by redesignating the Posts of the University Library Professionals, drawing UGC scales, i.e., University Librarian, Deputy Librarian, Assistant Librarian and Documentation Officer to that of Professor in Library and Information Science, Associate Professor in Library and Information Science and Assistant Professor in Library and Information Science respectively. The learned counsel for the petitioner placing reliance on said G.O., contends that since the Posts of University Librarians, Deputy Librarians and Assistant Librarians have been re-designated as Professors in Library and Information Science, Associate Professor in Library and Information Science and Assistant Professor in Library and Information Science respectively. Consequently, the Post of Assistant Librarian should be treated as teaching staff of the University and accordingly entitled to continue in service till he attains the age of 62 years.

6. The learned counsel for the petitioner relies on the judgment of the Hon'ble Apex Court in the case of ***P.S.Ramamohana Rao Vs. A.P.Agricultural University and Another***¹, wherein it is held that:

"17. In our view, the learned Judges did not go into the meaning of the word "teacher" in the main part of the clause nor assessed correctly the effect of the material evidence on record. The learned Judges observed that assuming Physical Directors imparted instructions to their students, unless the University recognised them as teachers they could not claim the benefit of Section 2(n) of the Act. Obviously, the learned Judges were referring to the last part of Section 2(n) which includes persons other than those enumerated in the inclusive part if so recognised by the University. As we have held that the Physical Directors come within the main part of the definition of 'teacher', it is in our opinion not necessary that they should be separately recognised as teachers by an order or statute of the University.

18. In the additional affidavit of the university, referred to earlier, it is no doubt contended that a semester course in the University means a unit of instruction and devotes a segment of subject matter to be covered in a semester. Under such a system a person has to get a specific number of credits. A credit hour "means one hour lecture or two to three hours of a laboratory or field work" in practicals. It is contended that the student undergoes a course of study leading to various undergraduate programmes in the University and has to pass courses and complete the minimum number of credit hours prescribed therefore from time to time. So far the games and sports are concerned, it is contended, that there is no weightage of credit hours and there are also no theoretical and practical courses prescribed for the students. It is contended that for the said reasons Physical Directors cannot be treated as teachers.

19. We are unable to agree. It may be that the Physical Director gives his guidance or teaching to the students only in the

¹ (1997) 8 SCC 350

evenings after the regular classes are over. It may also be that the University has not prescribed in writing any theoretical and practical classes for the students so far as physical education is concerned. But as pointed by us earlier, among various duties of the Physical Director, expressly or otherwise, are included the duty to teach the skills of various games as well as their rules and practices. The said duties bring him clearly within the main part of the definition as a 'teacher'. We, therefore, do not accept the contention raised in the additional counter-affidavit of the University."

7. It is further contended that the pay scale of the petitioner is fixed as UGC pay scale by sanction of notional increments. Learned counsel for the petitioner contends that in terms of statute of the University, the teachers have been defined as:

"1. (i) "Teachers" means, Professors, Associate Professors and Assistant Professors in a college and such other persons giving instruction in a college as may be declared by the Statutes to be teachers.

(ii) "Teachers of the University" means, teachers appointed by the University to give instruction or guide research in the University and Constituent colleges."

8. Learned counsel for the petitioner thus points out that the *Assistant Librarian* has been re-designated as *Associate Professor* of the University. As the duties of the petitioner involve giving guidance to the research scholars benefits of G.O.Ms.No.59, Higher Education (UE) Department, dated 24.12.2014, should not be denied to the petitioner, which enhanced the age of superannuation from 60 to 62 years. It is argued that the petitioner's duties involve academic support, digital management, research

facilitation including guiding the research scholars, students and faculty in Information Systems, which is integral to the teaching and research process. The fact that petitioner's pay scale has been fixed as per UGC pay scales, the petitioner is entitled to retire at the age of 62 years. It is further contended that mere fact that petitioner's designation is not included in G.O.Ms.No.59, his request cannot be rejected as various other posts which have not been included in the said G.O., are being treated as teaching staff. Thus the learned counsel Mr. Srikanth, argued that the Assistant Librarians should be treated on par with Assistant Professors.

9. The respondents contend that the petitioner had been working in non-teaching technical post throughout his service. Information Scientist cannot be considered as a teaching post. Further, the petitioner was never assigned teaching work load or research supervision nor was he assigned with faculty duties in any academic department.

10. It is further argued that in order to claim UGC scales, one has to undergo selection process. Since the petitioner was not recruited through academic selection process, he cannot be considered as part of teaching personnel of the university and is not entitled for enhancement of age of superannuation. It is further argued that the post of Information Scientist can never be considered as teaching staff. The learned Standing Counsel Sri O.Udayakumar places reliance on the Division Bench Decision of this

Court in ***W.A.Nos.381, 382, 411, 426 of 2020; 30, 35 and 46 of 2021***, dated 01.04.2021.

11. Considered the rival submissions.

12. As per the statute of the University, the teachers of the University shall comprise Professors, Associate Professors, Assistant Professors, and such others who may be classified as Teachers of the University from time to time. It further provides that the following categories shall also be treated as equivalent positions of Teachers of the University as per UGC guidelines:

Librarian, Deputy Librarian, Assistant Librarian, Director of Physical Education, Deputy Director of Physical Education, Assistant Director of Physical Education.

13. As noted from the UGC's proceedings dated 17.04.2009, Information Scientist has been equated to the Post of Assistant Librarian for grant of revised scales of pay as well as the Career Advancement Scheme as notified by Ministry vide their letter dated 31.12.2008. Provisions of statute of the University read with UGC's proceedings dated 17.04.2009, the Information Scientists are to be treated as Assistant Librarians, consequently they are teachers of the University and they should be considered as teaching personnel of the University.

14. Having regard to the above, I am of the view that the judgment of the Division Bench of this Court in **W.A.Nos.381, 382, 411, 426 of 2020; 30, 35 and 46 of 2021**, dated 01.04.2021, is distinguishable on facts.

15. While issuing notice before admission, this Court granted the following interim directions in the case:

“Notice before admission.

For filing counter, post after vacation.

In the meanwhile, the petitioner may be permitted to discharge his duties, however, Salary shall not be paid. In the event of petitioner succeeds the petition, he is entitled to claim his Salary and other benefits, since the matter is proposed to be placed before Executive Council of the University as directed in the last para of G.O.Ms.No.59, dated 24.12.2014.

In case, the Executive Council takes any decision to extend the age of Superannuation to the petitioner, the respondent shall pay the Salary from the date of proposed retirement.”

The University by its resolution rejected the request of the petitioner to extend the age of superannuation. During the pendency of the above Writ Petition, the petitioner has attained the age of superannuation 62 years.

16. In view of the foregoing by placing reliance on the judgment of the Hon'ble Apex Court in the case of **P.S.Ramamohana Rao Vs. A.P.Agricultural University and Another**, I am of the view that the petitioner is entitled to retire at the age of 62 years, in terms of G.O.Ms.No.59, Higher Education (UE) Department, dated 24.12.2014.

17. In view of the foregoing, the writ petition is disposed of, observing that the petitioner was entitled to continue in service till he attains the age of 62 years. The respondents are therefore directed to pay the applicable salary with all consequential benefits to the petitioner for the subject period of two (2) years *i.e.*, with effect from June, 2020 to May, 2022. There shall be no order as to costs.

As a sequel, interlocutory applications, pending if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date:09.02.2026

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478

THE HON'BLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION No.7973 of 2020

Date:09.02.2026

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