

Date of reserved for orders : 04.08.2026
Date of pronouncement : 07.08.2026
Date of uploading : 10.08.2026

APHC010146012021



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

[3330]

FRIDAY, THE 7th DAY OF AUGUST 2026

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.13489 of 2021

Between:

1.POTHAMSETTI SRINIVASA REDDY, S/O.SURYANARAYANA REDDY, AGED 52 YEARS, PART-TIME JUNIOR LECTURER IN AET (VOC), GOVERNMENT JUNIOR COLLEGE, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF AP, REPRESENTED BY ITS SPECIAL CHIEF SECRETARY, SCHOOL EDUCATION (1E) DEPARTMENT, SECRETARIAT, VALAGAPUDI, GUNTUR DISTRICT.
- 2.THE COMMISSIONER OF INTERMEDIATE EDUCATION, ANDHRA PRADESH, 4TH LINE, LAXMIPURAM, GUNTUR.
- 3.THE REGIONAL JOINT DIRECTOR OF INTERMEDIATE EDUCATION, RAJAMAHENDRAVARAM, EAST GODAVARI.
- 4.GOVERNMENT JUNIOR COLLEGE, RAJAMAHENDRAVARAM, EAST GODAVARI.

...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 issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No.1 and No.2 in refusing to regularize the services of the petitioner from the date of his initial appointment in terms of the judgments of the Apex court in Umadevi and M.L.Kesari vide imputed Memo.No.2448151/1E/A2/2019 dated 11.03.2020 as illegal, arbitrary,

highhanded and violation of Articles 14, 16, and 21 of the constitution of India and for consequential order directing the respondents to regularize the services of the petitioner from the date of initial appointment as per G.O.Ms No.221, Edn.(CEI) Dept. Dated 20.06.1995.

Counsel for the Petitioner:

1.V V RAVI PRASAD

Counsel for the Respondent(S):

1.GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**WRIT PETITION No.13489 of 2021****ORDER:**

The present Writ Petition is filed challenging the action of the respondent Nos.1 and 2 in refusing to regularize the services of the petitioner from the date of his initial appointment in terms of the judgments of the Apex Court in the cases of Secretary, State of Karnataka and Ors. Vs. Umadevi and Ors. reported in (2006) 4 SCC 1 and State of Karnataka and Ors. Vs. M.L.Kesari and Ors. reported in (2010) 9 SCC 247, on the ground that the said action of the respondents is arbitrary, illegal and in violation of Articles 14, 16 and 21 of the Constitution of India and, consequently, prayed to direct the respondents to regularize the services of the petitioner from the date of initial appointment as per G.O.Ms.No.221, Edn.(CEI) Department dated 20.06.1995.

2. As seen from the affidavit filed in support of the Writ Petition, the petitioner was appointed as Junior Lecturer (AET) on 11.07.1991 as against the aided post and initially the petitioner being paid only consolidated minimum salary; later, vide Government Memo dated 02.06.2000, with effect from 1992-93, applied minimum time scale. The petitioner submits that though he was a graduate B.E. (Mechanical) and

he possessed all the requisite qualifications for appointment as Junior Lecturer, in spite of repeated representations to the respondent Nos.1 to 3 for regularisation, there is no action from the respondents. Hence, the petitioner was constrained to file O.A.No.90 of 2019 before the Andhra Pradesh Administrative Tribunal for regularisation of his services taking into consideration of his services and in terms of G.O.Ms.No.221 dated 20.06.1995. It is further stated, the Tribunal has directed the respondents to consider the case of the petitioner in terms of G.O.Ms.No.221 dated 20.06.1995, following the judgment of the Apex Court in Secretary, State of Karnataka and Ors. Vs. Umadevi and Ors. reported in (2006) 4 SCC 1 for regularisation of services.

3. It is stated that the respondents, contrary to the direction of the A.P.A.T., through the impugned memo No.2448151/IE/A2/2019 dated 11.03.2020, have refused to regularise the services of the petitioner on the ground that the petitioner has not completed five years of service and not fulfilled the conditions as laid down in G.O.Ms.No.352 dated 01.10.1994 and that the petitioner is not working in any regular vacancy and the petitioner has not put up 600 working days in five academic years service as on 25.11.1993.

4. The said memo dated 11.03.2020 was assailed in the present Writ Petition on the ground that there is no whisper in the impugned memo as to why the judgments of the Apex Court in the cases of Secretary, State of Karnataka and Ors. Vs. Umadevi and Ors. reported in (2006) 4 SCC 1 (referred supra) and State of Karnataka and Ors. Vs. M.L.Kesari and Ors. reported in (2010) 9 SCC 247 (referred supra), are not applicable to the instant case and the petitioner has met with the requirement as stipulated in G.O.Ms.No.352 dated 01.10.1994. In the light of the judgements referred supra, it is prayed to set aside the memo.

5. Furthermore, it is contended that the petitioner's case fall within the four corners of the judgments of the Apex Court referred supra and in respect of any referred Government Orders, and further stated that in an identical case, in W.P.No.4703 of 2016, this Court directed the regularization of the petitioner's services on the ground of continuous employment since 11.05.1991, without interruption. The petitioner having been completed over ten years of service by 10.04.2001, and without the protection of any interim court or tribunal orders, the petitioner is entitled to regularisation. In the present case, the petitioner was appointed in the year 1991 and he has put up service of 36 years

by the date of judgment. Therefore, it is stated that the petitioner deserves to have his service regularized from the date of his initial appointment.

6. The Supreme Court, in the above referred two cases, has directed the respondents to regularise the service, if the following conditions are fulfilled in the light of the judgment of Secretary, State of Karnataka and Ors. Vs. Umadevi and Ors. reported in (2006) 4 SCC 1

"(i) The employee concerned should have worked for 10 years or more in a duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

(ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular."

7. The 2nd respondent has filed counter and reiterated the contents of the memo dated 11.03.2020 and it is further stated that the Government has examined the case in detail as per the guidelines issued in G.O.Ms.No.221 dated 20.06.1995 for regularisation of the Part Time Junior Lecturers, who are working in general stream for those who have put in service of three academic years and 360 working days as on 30.07.1991 or 600 working days in five academic years on 25.11.1993 with or without breaks and are continuing in service from 30.07.1991 or 25.01.1993 are applicable only to the general stream and the Government, vide memo dated 11.03.2020, rejected the request of the petitioner for regularisation of the services with effect from 25.11.1993, since the petitioner does not meet with the terms of the G.O.Ms.No.352 dated 01.10.1994 and the rejection order is legal and valid and the judgments referred by the petitioner cannot be applied to the case of the petitioner to be regularised as per the above G.O.Ms.No.352 dated 01.10.1994.

8. Learned counsel for the petitioner would submit that in similar case, a batch of Writ Petitions have been filed before this Court, vide W.P.No.5009 of 2021 and batch, and a Co-ordinate Bench of this Court has allowed the said batch of Writ Petitions and directed the

respondents therein to regularise the services of the petitioner therein on completion of 10 years of service. Learned counsel for the petitioner also relied on the judgment of a Division Bench of this Court in W.P.No.44902 of 2018 and batch and the Division Bench of this Court after considering the judgments of the Apex Court in the case of Jaggo Vs. Union of India reported in 2024 SCC Online SC 3826 and Dharam Singh Vs. State of U.P. reported in 2024 SCC Online SC 3826, Apex court observed in the following:

“Strongly deprecated the culture of “ad-hocism” adopted by States in their capacity as employers. The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.”

9. The Apex Court in the case of Bhola Nath Vs. The State of Jharkhand and others reported in 2026 SCC Online SC 129, after referring to the judgments of Apex Court in the case of Shripal Vs. Nagar Nigam reported in 2025 SCC Online SC 221 and Vinod Kumar Vs. Union of India reported in (2024) 9 SCC 327, and some other judgement of the Apex Court has concluded in the following:

"I. The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.

II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.

III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunise arbitrary State action from constitutional scrutiny.

IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of Umadevi (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.

V. In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment."

10. In the case of *Jaggo v. Union of India* (referred supra), the Apex Court observed that it underscores that government departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.

11. Admittedly, the petitioner was joined in the service on 11.07.1991 and has completed service of 30 years in the year 2021 and the A.P.A.T. in O.A.No.90 of 2019 has also directed the respondents to consider the case of the petitioner for regularisation of the service of the petitioner. Despite the directions issued by the A.P.A.T., the respondent authorities have failed to regularize the petitioner's service, instead rejecting the request of the petitioner on the grounds that the conditions stipulated in G.O.Ms.No.352, dated 01.10.1994, were not met. As observed by the Division Bench of this Court in W.P.No.44902 of 2018 and the batch, the refusal to regularize the petitioner's service constitutes exploitation. As a model employer, the State should not act as an exploiter or subject its citizens to conditions akin to slavery.

12. In the light of the judgments referred supra, this Court is of the considered opinion that the action of the respondents in denying

regularisation to the petitioner, despite having extracted the work for more than thirty years as a regular teaching faculty, it is untenable and unreasonable in denying regularisation.

13. Therefore, the present Writ Petition is disposed of, directing the respondents to consider the case of the petitioner for regularisation of service from the date of his initial appointment within two weeks from the date of receipt of the order, as the petitioner is on verge of retirement. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 07.08.2026

siva

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.13489 of 2021

Date: 07.08.2026

siva