

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 7587 OF 2024



Between:

Dudekula Siddaiah, S/o. Tummalaiiah Vemula Kota, aged about 29 years, occ:
Unemployed, r/o. Vemulakota, Prakasam, Andhra Pradesh-523329.

Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Secretary, Department of Skill Development and Training (Technical Education), A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Director of Technical Education, Mangalagiri, Andhra Pradesh.
3. The Regional Joint Director of Technical Education, Kakinada, Andhra Pradesh.
4. K. Denakar Srinivas, s/o. Not known, aged 42 years. Contract Lecturer, Government Polytechnic, Narsipatnam.
5. Meesala Kishore, s/o. Not known, aged 40 years. Contract Lecturer, Government Polytechnic for Women, Srikakulam.

...Respondents

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 an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring G.O.Ms. No. 8 dated 16.03.2024 regularising the services of respondents 4 and 5 Polytechnic Contract Lecturers engaged in Government Polytechnics, though they were not continuously working from 02.06.2014, as illegal, arbitrary, contrary to Andhra Pradesh State Subordinate Service Rules, 1966, the Andhra Pradesh Technical Education Service Rules, 2005, in violation of the Andhra Pradesh Regularisation of Services of Contract Employees Act, 2023, the Rights of Persons with Disabilities Act, 2016, flying in the face of judgment of the Hon'ble High Court in W.P.Nos. 15579 of 2019 and batch dated 03.11.2021, contrary to the order of the Hon'ble High Court in W.P.No. 33261 of 2023 dated 27.12.2023, against Article 14, 16 and 309 of the Constitution of India and consequently set aside G.O.Ms.No. 8 dated 16.03.2024 and direct issuance of notification for direct recruitment of Polytechnic Lecturers in Government Polytechnics

IA NO: 1 OF 2024

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend G.O.Ms.No. 8 dated 16.03.2024, Pending disposal of WP 7587 of 2024, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SRINIVASA RAO BODDULURI, Advocate for the Petitioner, and of GP FOR SERVICES-III, for the Respondents, the Court made the following

ORDER:

Heard Sri Srinivas Rao Bodduluri, Learned Counsel for the Writ Petitioner and Smt. M. Hemalatha, Learned Assistant Government Pleader for Services-III.

2. Learned Counsel for the Writ Petitioner has drawn the attention of this Court to the Reply given by the Official Respondents to an R.T.I query dated 13.02.2024 (Ex.P.11). The Reply given by the Regional Joint Director has an attachment of the list of candidates and their entitlement as per the cut-off date fixed under the statute. As per the said documents at Page.No.105 (in Reply), the names of the Unofficial Respondent Nos.4 and 5 are at Sl.Nos.34 and 46, which clearly show that the said Respondents were not appointed before the cut-off date. The contention of the Counsel for the Writ Petitioner is that certain appointments have been made by the Respondents, violating the conditions which are set out by them under the statute and also as per G.O.Ms.No.114, dated 21.10.2023 (Ex.P.6).

3. Having considered these aspects, this Court, prima facie, is of the opinion that the balance of convenience lies in favour of the Writ Petitioner. Accordingly, the Impugned Proceeding bearing G.O.Ms.No.8 Skills Development & Training (TE) Department, dated 16.03.2024 (Ex.P.10) insofar as the Unofficial Respondent Nos.4 and 5 are concerned (at Sl.Nos.1 and 20 in the Impugned Proceeding) shall remain suspended until further/Final Orders of this Court.

4. Let Counter Affidavit be filed within two weeks. One week thereafter for filing Re-joinder, if any.

5. Learned Counsel for the Writ Petitioner is directed to take out Personal Notice in respect of Respondent Nos.4 and 5 within one week from today and file proof of receipt of Notice within a week thereafter.

6. List the matter on 18.06.2024.

Sd/- G. SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For /

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SECTION OFFICER

To,

1. The Secretary, Department of Skill Development and Training (Technical Education), State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Director of Technical Education, Mangalagiri, Andhra Pradesh.
3. The Regional Joint Director of Technical Education, Kakinada, Andhra Pradesh.
4. K. Denakar Srinivas, Contract Lecturer, Government Polytechnic, Narsipatnam.
5. Meesala Kishore, Contract Lecturer, Government Polytechnic for Women, Srikakulam. **(Addressees 1 to 5 by RPAD)**
6. One CC to SRI. SRINIVASA RAO BODDULURI Advocate [OPUC]
7. Two CCs to GP FOR SERVICES- III, High Court of Andhra Pradesh. [OUT]
8. **One spare copy**

PSR



HIGH COURT

GRKP,J

DATED:27/03/2024

NOTE: LIST THE MATTER ON 18.06.2024.

ORDER

WP.No.7587 of 2024

INTERIM SUSPENSION

