

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY ,THE FIFTEENTH DAY OF MAY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 14472 OF 2026



Between:

Sri Golla Sudheer, S/o Ramanaiah, aged 37 Years, Occ Post Mortem Attendant, Governmentmn General Hospital, Nellore, R/O 23-12-429, Police Colony, Near Ramalayam, VTC, Nellore, SPSR Nellore District, Andhra Pradesh.524001

Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Medical Health Department, Secretariat, Amaravati, Guntur District, Andhra Pradesh. 522237
2. The Collector District Magistrate, SPSR Nellore District, Nellore, SPSR Nellore District, Andhra Pradesh 524001
3. The Superintendent, Govt. General Hospital, Nellore, SPSR Nellore District, Andhra Pradesh. 524001
4. The Professor HOD, Department of Forensic Medicine, Govt. General Hospital, Nellore, SPSR Nellore District, Andhra Pradesh. 524001.

Respondents

Petition under Article 226 of the Constitution of India is filed 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 3rd respondent in issuing termination order in proceedings in Rc.No.Spi/GGH/Nlr/26 dated 01.05.2026 under the note orders of the 2nd Respondent being illegal, arbitrary, violative of principles of natural justice. Article 14 and Article 311 of the Constitution of India

and to set aside the same consequentially direct the Respondents to reinstate the Petitioner as Post Mortem Attendant, Govt. General Hospital, Nellore forthwith by suspending the operation of the termination order of the 3rd respondent in proceedings in Rc.No.Spi/GGH/Nlr/26 dated 01.05.2026.

IA NO: 1 OF 2026

Petition under Section 151 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 direct the Respondents to reinstate the Petitioner as Post Mortem Attendant, Govt. General Hospital, Nellore forthwith by suspending the operation of the termination order of the 3rd respondent in proceedings in Rc.No.Spi/GGH/Nlr/26 dated 01.05.2026, Pending disposal of WP 14472 of 2026, on the file of the High Court.

The petition/Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI V SAI KUMAR Advocate for the Petitioner, GP for MEDICAL & HEALTH for Respondent Nos.1, 3 & 4, GP for Revenue for Respondent No.2 and the Court made the following.

ORDER

“Heard Mr.V.Sai Kumar, learned counsel for the petitioner and Mr. R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I.

The ambit of the order passed by the Superintendent, Government General Hospital, Nellore, vide Rc.No.Spl/GGH/Nlr/26, dated 01.05.2026, terminating the services of the petitioner, is under challenge.

The petitioner challenges the said order on the ground that it has been passed without jurisdiction, without application of mind, and at the dictation of the Collector. The very first paragraph of the impugned termination order reads as follows:

“As per the instructions of the Collector & District Magistrate, Nellore, the services of Sri Sudheer, Post Mortem Attendant, GGH, Nellore, are hereby terminated with immediate effect”.

The said paragraph indicates that the Superintendent, Government General Hospital, Nellore, has acted solely in adherence to the instructions and dictation of the Collector and District Magistrate, Nellore, while terminating the services of the petitioner, which reflects clear non-application of mind. It is well settled that any order passed by an authority must be based on independent application of mind and not merely on the dictation of higher authorities, as held by the Hon'ble Supreme Court reported in 2014 (3) SCC 502, wherein it was held that "reasons and bona fide exercise of power are essential at the time of exercise thereof – Government must defend its action on the basis of the order that it has passed, and it cannot improve its stand by filing subsequent affidavits".

Refuting the said submissions, the learned Assistant Government Pleader sought time to obtain instructions. However, this Court prima facie finds that the impugned order is vitiated by illegality and is in gross violation of the principles of natural justice.

Having regard to the law laid down by the Hon'ble Supreme Court, this Court is satisfied that the termination order issued by the Superintendent, Government General Hospital, Nellore, is crippled with illegality and arbitrariness.

Accordingly, for the reasons stated above, the impugned order issued by the Superintendent, Government General Hospital, Nellore, dated 01.05.2026, is hereby suspended. Respondent No.3/Superintendent, Government General Hospital, Nellore, is directed to continue the petitioner in service as Postmortem Attendant in Government General Hospital, Nellore.

List the matter after Summer Vacation, 2026.

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, The State of Andhra Pradesh, Medical Health Department, Secretariat, Amaravati, Guntur District, Andhra Pradesh. 522237 (By Special Messenger - along with a copy of petition and memorandum of grounds)
2. The Collector District Magistrate, SPSR Nellore District, Nellore, SPSR Nellore District, Andhra Pradesh 524001
3. The Superintendent, Govt. General Hospital, Nellore, SPSR Nellore District, Andhra Pradesh. 524001
4. The Professor HOD, Department of Forensic Medicine, Govt. General Hospital, Nellore, SPSR Nellore District, Andhra Pradesh. 524001. (by RPAD 2 to 4)
5. One CC to SRI. V SAI KUMAR Advocate [OPUC]
6. Two CCs to GP FOR Medical & Health, High Court Of Andhra Pradesh at Amaravati. [OUT]
7. Two CCs to GP FOR Revenue, High Court Of Andhra Pradesh at Amaravati. [OUT]
8. **One spare copy**
TVSR

HIGH COURT

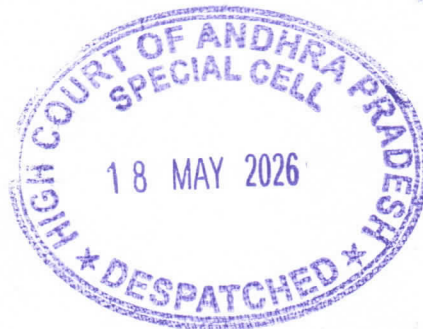
GTK,J

DATED: 15/05/2026

LIST THE MATTER AFTER SUMMER VACATION, 2026.

ORDER

WP.No.14472 of 2026



DIRECTION