

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**MAIN CASE No.W.P.No.14509 of 2026**

**PROCEEDING SHEET**

<b>Sl. No.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
02.	21.05.2026	<p data-bbox="469 477 576 517"><b><u>GTK,J</u></b></p> <p data-bbox="469 539 1281 936">Heard Mr. Srinivas Bobbili, learned counsel for the petitioners, Mr. Seena Kumar, learned Standing Counsel for Andhra Pradesh Public Service Commission (APPSC) appearing for respondent No.7 and Mr. Challa Srinivas, learned Assistant Government Pleader for Services-III appearing for respondent Nos.8 to 17.</p> <p data-bbox="469 972 1281 1783">The principal grievance of the petitioners in the Writ Petition is that the petitioners have been working since 2000 in the capacity of Contract Lecturers in Government Colleges and they were engaged after the recommendations of the Three-Men Committee consisting of the Principal of the concerned Government Degree College, a subject expert from the same college or an adjacent college and Principal of another college. The appointments engaging the petitioners in the sanctioned posts were made after due selection process and, after conducting the said recruitment process, the Selection Committee engaged the petitioners as Contract Lecturers.</p> <p data-bbox="469 1818 1281 1917">It is also the case of the petitioners that recently the <i>Government of Andhra Pradesh</i></p>	Contd...

	<p><i>Regularization of Services of Contract Employees Act, 2023 (Act 30 of 2023)</i> was enacted for regularization of services of contract employees who were appointed on or before 02.06.2014 and are continuing in service as on the date of commencement of the Act i.e., 20.10.2023.</p> <p>Now, the concern of the petitioners is that in view of the recruitment process being conducted by the 7th respondent by issuing the resultant notification, the vacancies occupied by the petitioners may be filled by regular candidates appointed through the said selection process. It is clear that if regular candidates are appointed or selected, they must be placed in sanctioned posts. The learned Standing Counsel for APPSC appearing for the 7th respondent submits that they are not in a position at present to state whether these petitioners will be affected or not in view of the said case. However, in any event, if any person is selected and occupies a particular place, the petitioners should/shall be shifted from the said place and adjusted in any other sanctioned posts.</p> <p>Taking into consideration the aforesaid facts and circumstances and reasons, since the petitioners have been working for the past several years i.e., from 2000 onwards, and in view of the recent pronouncement of the Hon'ble Supreme Court that the experience gained by such employees over the past several years is itself a</p>	Contd...
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qualification and that they cannot be denied regularization, the Hon'ble Supreme Court has also categorically held that paragraph 53 of **Umadevi's case** cannot be taken as a shield to deny regularization.

The Hon'ble Supreme Court, in **Vinod Kumar and others vs. Union of India and others**<sup>1</sup>, observed at paragraphs 6 and 7 as follows:

*"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).*

*7. The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case. Paragraph 53 of the Uma Devi (supra) case is reproduced hereunder:*

*"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071] , R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their*

<sup>1</sup> (2024) 9 SCC 327

*instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”*

Be that as it is, since the petitioners for the moment are apprehending that they may be discontinued from service in view of the ongoing recruitment, there shall be a direction to the respondents to continue the petitioners as Contract Lecturers in sanctioned posts and it is made clear that the petitioners should/shall adhere to the instructions, while recruiting/appointing the direct recruits in the substantive vacancies.

List the matter along with W.P.No.29133 of 2023.

Pmk

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**GTK,J**