



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

[3506]

THURSDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 21130/2004

Between:

1.B. RAMAKRISHNA REDDY, LECTURER IN ECONOMICS,
SBSYM DEGREE COLLEGE, MYDAKUR, KADAPA DISTRICT

...PETITIONER

AND

1.THE COMMISSIONER/DIRECTOR AND 3 OTHERS,
NAMPALLY, HYDERABAD

2.THE REGIONAL JOINT DIRECTOR HIGHER EDUCATION,
KADAPA, KADAPA DISTRICT

3.THE SECRETARY CORRESPONDENT SBSYM DEGREE,
COLLEGE, MYDAKUR, KADAPA DISTRICT

4.THE STATE OF GOVT OF A P REP BY PRL SECRETARY,
HIGHER EDUCATION, SECRETARIAT, HYDERABAD

...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 an appropriate Writ order or direction mostly one which is in the nature of Writ of Mandamus direct the 4th respondent to sanction and release the payment of the salaries to the petitioner in grant -in-aid post of Lecturer in Economics w.e.f. 16-04-1990 to 16-07-2001 declaring the treatment of admission into grant-in-aid from 16-04-1990, notionally as illegal, irregular, arbitrary discriminatory, unjustified and unsustainable

Counsel for the Petitioner:

1.K N VIJAYA LAXMI

Counsel for the Respondent(S):

1.PATANJALI PAMIDIGHANTAM

2.GP FOR EDUCATION

3.8985/N BHARAT BABU

4.4512/GP FOR HIGHER EDUCATION

The Court made the following:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**Writ Petition No.21130 of 2004****ORDER:**

Present writ petition is filed seeking the following relief:

“....to issue an appropriate Writ, order or direction, mostly one in the nature of Writ of Mandamus directing the 4th respondent to sanction and release the payment of the salaries to the petitioner in grant-in-aid post of Lecturer in Economics w.e.f. 16-04-1990 to 16.07.2001, declaring the treatment of admission into grant-in-aid from 16-04-1990, notionally, as illegal, irregular, arbitrary, discriminatory, unjustified and unsustainable..”

2. Petitioner was appointed as Lecturer in Commerce by the 3rd respondent Degree College on 18.09.1981. Petitioner claims to have gone through selection process and that his appointment was made as per Rules in force. Immediately, he was placed as in-charge of Principal with effect from 01.07.1983 and he continued as such till 1988. As petitioner developed certain mis-understandings with the Correspondent of the College in regard to the affairs, he was placed under suspension with effect from 01.11.1987. Since then he has been agitating the same by approaching the appropriate authorities and also this Court in W.P.No.14326 of 1989 and later Contempt Case No.82 of 1990, however, the 3rd respondent did not allow the petitioner to join the duties inspite of he succeeding before various forums and also specific direction being issued to reinstate him into

service. The 3rd respondent College was eventually recognized for grant-in-aid and accordingly, the Government issued G.O.Ms.No.52, Education (C.E.II-2) Department, dated 05.03.1993. Petitioner's appointment ultimately came to be ratified and his services were regularized and admitted to grant-in-aid by G.O.Rt.No.525, Higher Education(CE.II.2) Department, dated 17.07.2001. It is stated that by aforesaid Government Orders, he was admitted to grant-in-aid with effect from 16.04.1990. However, as the 4th respondent, who issued such order, did not pay salaries from 16.04.1990 till 16.07.2001, he submitted various representations and as the same were not being considered, he preferred the present writ petition.

3. The 4th respondent filed counter-affidavit, *inter alia*, stating that as petitioner has been admitted to grant-in-aid only with effect from 17.07.2001, petitioner was entitled for all monetary benefits only from such date and not for the previous period and at any rate even if there is any such claim, the same would have to be considered by the Degree College alone, but not the Government. The request of petitioner has been considered by the Commissioner of Collegiate Education and by proceedings, dated 24.04.2004, was rightly rejected the same.

4. Heard Smt.K.N. Vijaya Lakshmi, learned counsel, for the petitioner, and learned Assistant Government Pleader for Higher Education appearing for respondents 1, 2 and 4 and Sri Patanjali Pamidighantam, learned counsel for 3rd respondent.

5. Learned counsel for the petitioner contended that since petitioner has been notionally admitted to grant-in-aid with effect from 16.04.1990, for all purposes he is required to be construed to be in the rolls of Government on grant-in-aid, therefore, he is entitled for all monetary benefits till 16.07.2001, however, the 4th respondent had only recognized petitioner's rights from 17.07.2001. She further contended that as Government has regularized the services of petitioner in grant-in-aid and even in earlier occasions, this Court has clearly directed the respondents to admit petitioner back into service, mere such non-admission would not disentitle the petitioner to claim the salaries for the aforesaid period.

6. *Per contra*, learned Assistant Government Pleader for Higher Education appearing for respondents 1, 2 and 4, contended that inasmuch as G.O.Ms.No.525, dated 17.07.2001, admitted petitioner into grant-in-aid with all monetary benefits from date of said G.O., the claim of petitioner for salaries anterior to aforesaid date is clearly unfounded. He further submits that in petitioner's own case in

W.P.No.10904 of 2014, it was categorically held that petitioner was entitled to all monetary benefits with effect from 17.01.2001, since petitioner has been admitted to grant-in-aid from the said date. In pursuance to the said judgment, dated 27.12.2023, the respondents have also passed consequential orders, dated 29.02.2024, implementing the same and all arrears payable to the petitioner for the period from 17.07.2001 have already been settled, hence, petitioner cannot institute successive writ petitions.

7. Learned counsel appearing for the 3rd respondent submitted that as petitioner was not in service during aforesaid period, even otherwise also he is not entitled to claim the said amount from the College.

8. Perused the record and considered the rival submissions of the learned counsels.

9. The very basis for claim of salaries by petitioner for the period from 16.04.1990 to 16.07.2001 is in pursuance to G.O.Ms.No.525, dated 17.07.2001. By aforesaid G.O., petitioner has been admitted to grant-in-aid with effect from 16.04.1990 notionally, however, monetary benefits were extended from the date of issuance of said G.O. The relevant portion of G.O.Ms.No.525, dated 17.07.2001, reads as under:

“In the circumstances stated by the Commissioner & Director of Collegiate Education, Andhra Pradesh, Hyderabad in his letter read above, Government after careful consideration, hereby direct that the action of the Management of S.B.S.Y.M. Degree College, Mydukur, Cuddapah District in having appointed Sri B.Rama Krishna Reddy as Lecturer in Economics without following the procedure prescribed in G.O.Ms.No.905, Edn., dt.21.09.1976 is ratified and the Commissioner & Director of Collegiate Education is permitted to regularise the services of the individual as Lecturer in Economics, S.B.S.Y.M. Degree College, Mydukur, Cuddapah District and admit him into Grant-in-aid with effect from 16.04.1990 notionally with monetary benefit from the date of issue of order subject to the condition that the additional expenditure, if any shall be met from the existing budget only.”

10. A close reading of aforesaid contents of G.O. would go to show that the petitioner was appointed as Lecturer in Economics without following the procedure prescribed under the relevant Rules of appointment. However, his services came to be regularised and admitted to grant-in-aid with effect from 16.04.1990 on notional basis. It has been specifically envisaged that he would, however, be entitled to monetary benefits only from date of issuance of the order i.e., 17.07.2001. The aforesaid order has been acted on by petitioner in W.P.No.10904 of 2014 for claiming the benefit from 17.07.2001, when the respondents have sought to misinterpret the same and apply the benefits from 31.03.2007. Petitioner, therefore, cannot blow hot and cold, and having already taken a stand that he is entitled for all benefits from 17.07.2001, cannot turn around and again claim for

salaries even for the period anterior thereto. May be petitioner might have worked with the College for the period prior to 17.07.2001 and any such engagement with 3rd respondent College would be purely on the terms and conditions agreed between petitioner and 3rd respondent, for which, 4th respondent cannot be proceeded with for the salaries. Petitioner also has received the monetary benefits those accrued under aforesaid G.O. with effect from 17.07.2001. Since, there is no challenge to the said G.O., in the hands of petitioner, on the other hand, he has already taken benefit from the same, the contention now raised that the 4th respondent has to even bear the salaries for anterior period is clearly unfounded. There are no merits in the writ petition.

11. Accordingly, the writ petition stands dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any in this case, shall stand closed.

JUSTICE CHALLA GUNARANJAN

Date:06.11.2025.

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