



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



MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19584 OF 2026

Between:

P Novahu, S/o. Lazarus, aged 60 years, Occ: HG 275, Markapuram Rural Police Station, Markapuram District.

...Petitioner

AND

1. State of Andhra Pradesh, rep by its Principal Secretary, Home Affairs, Secretariat, Velagapudi, Guntur 522237
2. Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur 522503
3. Superintendent of Police, Markapuram, Markapuram District 523316
4. Commandant Home Guards, Vijayawada 520001.
5. Home Guards Instructor, Markapur, Markapur District 523316
6. Station House Officer, Rural Police Station, Markapur, Markapur District 523316

...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 a Writ/Order/Direction more particularly one in the Nature of

Writ of Mandamus declaring the action of the respondents in directing to retire from Service by 21.7.2026 instead of 21.07.2028 as per G.O.Ms.No.15 Finance(HR.IV-FR&LR) Department dt.31.01.2022 of the Government as illegal, arbitrary, contrary to law besides violation of Articles 14 & 21 of the Constitution of India and consequently direct the respondents to continue the Petitioner till the petitioner reached 62 years of age in terms of G.O.Ms.No. 15 Finance(HR.IV- FR&LR) Department dt.31.01.2022 forthwith;

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 Respondent No.5 to continue the petitioner in service as Home Guard No.HG 275 in 6th respondent Police Station forthwith, pending disposal of WRIT PETITION 19584 of 2026, 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 J JAYANAND Counsel for the Petitioner and of GP FOR SERVICES I for Respondents No.1 to 5 and the Court made the following.

ORDER:

The Writ Petition is filed questioning the action of the Respondents in seeking to retire the Petitioner from service on attaining the age of 60 years on 21.07.2026, as illegal and arbitrary.

The Petitioner is working as a Home Guard and seeks parity in the age of superannuation on par with regular government employees, as per the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2022.

The learned Assistant Government Pleader for Services-I, on instructions, submits that as per Andhra Pradesh Police Manual Order No. 936(6), Home Guards are eligible for extension of service up to 60

years only. He further submits that the service of Home Guards is voluntary service and parity cannot be claimed on par with regular government employees.

Heard the learned counsel.

The core reason for enhancing the age of superannuation as per the Statement of Objects and Reasons of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2022, is on account of increased life span and improved health conditions. This being the core reason for enhancing the retirement age, there is no reason to deny a similar extension to the non-government employees of the department as well. Therefore, on this ground, the retirement of the Petitioner on attaining the age of 60 years cannot be sustained.

Home Guards cannot be termed merely temporary or voluntary as they form the feeder category for appointment to the regular posts and a specified quota is provided for them in the recruitment of Police Constables. From this view point, they are to be considered on par with regular employees and they are entitled to the benefit of enhancement of age as per the said Act.

Therefore, there shall be an interim direction as under:

- i) The Respondents shall extend the services of the Petitioner until he attains the age of 62 years, pending further orders.

Post on 07.09.2026 for filing of the counter-affidavit by the Respondents.

//TRUE COPY//

SD/- K.R.V.S.SUBHRAHMANYAM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Home Affairs, Secretariat, Velagapudi, Guntur 522237. (by **Special Messenger**)
2. Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur 522503
3. Superintendent of Police, Markapuram, Markapuram District 523316
4. Commandant Home Guards, Vijayawada 520001.
5. Home Guards Instructor, Markapur, Markapur District 523316
6. Station House Officer, Rural Police Station, Markapur, Markapur District 523316. (addressee 2 to 5 by RPAD)
6. One CC to SRI. J JAYANAND Advocate [OPUC]
7. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh [OUT]
8. One spare copy.

HIGH COURT

VN,J

DATED:20/07/2026

POST ON 07.09.2026

ORDER

WP NO. 19584 OF 2026

INTERIM DIRECTION

