



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



THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 25309 OF 2022

Between:

G. Venkateswara Rao, S/o. Pullayya, Aged about 40 years, Occ. Attender
(terminated), R/o. 24A-9-14, Ashok Nagar, 4th Ward, Eluru, West Godavari
District.

...Petitioner

AND

1. The Principal District Judge, West Godavari District at Eluru
2. The Registrar Judicial, High Court of Andhra Pradesh, At Amaravathi,
Guntur District
3. The High Court of Andhra Pradesh, Rep. by its Registrar (Recruitment),
Amaravathi, Guntur District.
4. The High Court of Andhra Pradesh, Rep. by its Registrar
(Administration), Amaravathi, Guntur District.
5. The IV Additional District Judge FTC, Tanuku, West Godavari .
(Respondent No.3 to 5 are impleaded as per c.o.dt.22.04.2025 vide
I.A.No.1 of 2025 in W.P.No.25309 of 2022.)

...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 Writ of Mandamus declaring the impugned proceedings of the 1st Respondent dt.30.03.2016, discharging the Petitioner from the services of attender (Contract service) solely relying upon the remarks submitted by the IV Additional District Judge, Tanuku even without affording an opportunity of hearing or notice to the Petitioner as illegal, arbitrary, unjust, violation of principles of natural justice and in violation of Articles 14, 16 and 21 of Constitution of India and consequently direct the Respondents to reinstate the services of Petitioner as attender by setting aside the impugned proceedings of the 1st Respondent dated 30.03.2016

IA NO: 1 OF 2022

Petition under Section 151 CPC 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 services of Petitioner as attender by setting aside the impugned proceedings of the 1st Respondent dated 30.03.2016

Counsel for the Petitioner: SRI MUTYALA SOBHANADRI NAIDU

Counsel for the Respondents: SRI N V SUMANTH

The Court made the following order:

APHC010409142022



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

[3529]

THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 25309/2022

Between:

1.G. VENKATESWARA RAO,, S/O. .PULLAYYA, AGED
ABOUT 40 YEARS, OCC. ATTENDER (TERMINATED), R/O.
24A-9-14, ASHOK NAGAR,4TH WARD, ELURU,WEST
GODAVARI DISTRICT.

...PETITIONER

AND

1.THE PRINCIPAL DISTRICT JUDGE, WEST GODAVARI
DISTRICT AT ELURU

2.THE REGISTRAR JUDICIAL, HIGH COURT OF ANDHRA
PRADESH, AT AMARAVATHI, GUNTUR DISTRICT

3.THE HIGH COURT OF ANDHRA PRADESH, REP.BY ITS
REGISTRAR (RECRUITMENT), AMARAVATHI,GUNTUR
DISTRICT.

4.THE HIGH COURT OF ANDHRA PRADESH, REP.BY ITS
REGISTRAR (ADMINISTRATION),
AMARAVATHI,GUNTUR DISTRICT.

5.THE IV ADDITIONAL DISTRICT JUDGEFTC,

TANUKU, WEST GODAVARI . RESPONDENT NO.3 TO 5
ARE IMPEADED AS PER C.O.DT.22.04.2025 VIDE
I.A.NO.1 OF 2025 IN W.P.NO.25309 OF 2022.

...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 more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings of the 1st Respondent dt.30.03.2016, discharging the Petitioner from the services of attender (Contract service) solely relying upon the remarks submitted by the IV Additional District Judge, Tanuku even without affording an opportunity of hearing or notice to the Petitioner as illegal, arbitrary, unjust, violation of principles of natural justice and in violation of Articles 14, 16 and 21 of Constitution of India and consequently direct the Respondents to reinstate the services of Petitioner as attender by setting aside the impugned proceedings of the 1st Respondent dated 30.03.2016 and pass

IA NO: 1 OF 2022

Petition under Section 151 CPC 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 services of Petitioner as attender by setting aside the impugned proceedings of the 1st Respondent dated 30.03.2016 and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the proposed 3rd, 4th, 5th respondents as 3rd, 4th, 5th respondents in WP No. 25309 of 2022 for proper and fair adjudication of the writ petition in the interest of justice and to pass

HON'BLE SRI JUSTICE RAO RAGHUNANDAN RAO

AND

HON'BLE SRI JUSTICE T.C.D. SEKHAR

WP No.25309 OF 2022

ORDER:- (Per Hon'ble Sri Justice T.C.D. Sekhar)

1. The petitioner was appointed as attender in the Court of IV Additional District Judge (FTC), Tanuku on contract basis by proceedings dated 10.04.2012 of the 1st respondent. It is his further case that on 24.01.2016 he met with an accident while climbing stairs thereby he sustained injury to his spinal chord. In those circumstances he applied for causal leave for 20 days from 24.01.2016 to 12.02.2016 to the IV Additional District Judge, Tanuku accordingly by endorsement dated 28.01.2016, leave was granted to him.

2. It is further case of the petitioner that on the advise of Doctor to take rest for three more weeks; he once again made application on 15.02.2016 to sanction leave, which was refused to receive by the IV Additional District Judge (FTC), Tanuku and therefore he submitted the same to the District Judge, Eluru on 16.02.2016. Further, the 1st respondent by letter dated 20.02.2016 forwarded the leave application to the IV Additional District Judge

(FTC), Tanuku calling for remarks, accordingly remarks were submitted through letter dated 01.03.2016. After submitting the remarks, by impugned order dated 30.03.2016 the petitioner was discharged from service w.e.f. 24.01.2016 on the ground that the performance of the petitioner is unsatisfactory..Questioning the said order the present writ petition is filed.

3. The 1st respondent filed counter affidavit stating that the petitioner was appointed on Contract basis and the impugned order was passed on the recommendation of the IV Additional District Judge (FTC), Tanuku. It is further stated that since the case on hand does not involve actionable fault on the part of employee, no notice is or enquiry is required. It is further stated that the petitioner did not file any documents in support of his claim that he suffered with injury as stated by him. Further, it is stated that no leave was extended to the petitioner and therefore his prolonged absence from duty is in violation of terms of contract.

4. Heard counsel for the petitioner and learned Standing Counsel for respondents.

5. Perused material available on record.

6. The order impugned was passed on 30.03.2016 and the same was challenged by filing the present writ petition after six long years. On perusal of the affidavit filed in support of the writ petition, the petitioner has miserably failed to explain the delay in filing the present writ petition. On the other hand, it is stated in the affidavit that in similar circumstances; Division Bench of this Court allowed writ petition in W.P.No.30378 of 2017 on 16.02.2022 and therefore he filed the present writ petition seeking to pass similar order.

7. This Court is not in agreement with the contention raised by the petitioner inasmuch as the facts in the other said writ petition is distinguishable. Further on perusal of the order passed in the writ petition, it is clear while terminating the services of the petitioner therein, the respondents have not considered the explanation offered nor afforded any opportunity to the petitioner therein. From the above it is clear that, the petitioner has acted as "fence – sitter" and after the order passed by this Court in the above referred writ petition, he approached this Court after six (06) long years.

8. Further, the impugned order was passed based on the remarks dated 01.03.2016 given by the IV Additional District Judge

(FTC), Tanuku. Apart from the same, admittedly leave was not sanctioned to the petitioner and he was continuously absent from the duty, thereby he violated the terms of contract. As already stated supra, no explanation is offered as to why the petitioner did not challenge the impugned order. In the absence of the explanation, the present writ petition cannot be entertained and accordingly the same is dismissed.

9. Having regard to the submissions made by the counsel for the petitioner, the observation made in the impugned order that, his performance is unsatisfactory alone is set aside keeping in view of his future employment.

10. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, pending applications, if any shall stand closed.

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR
(Signature)
SECTION OFFICER

To,

1. One CC to SRI MUTYALA SOBHANADRI NAIDU Advocate [OPUC]
2. One CC to SRI N V SUMANTH Advocate [OPUC]
3. Two CD Copies

gsg

HIGH COURT

DATED: 14/08/2025

**ORDER
WP NO. 25309 OF 2022**



**DISMISSING THE WP
WITHOUT COSTS**