

APHC010363232024



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

[3529]

WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

**WRIT PETITION NOS: 22390, 1508, 21105, 22518 & 24466 of 2024 and
9941, 16544, 17458, 19726, 21584 & 21679 of 2025**

W.P.No.22390 of 2024 & batch

Between:

1. R. SREEDEVI, D/O R.PANDU RANGAIAH, AGED 43 YEARS, OCC-STENOGRAPHER, R/O. D.NO.1-5-15, ISAKAMITTA, SULLURPET MANDAL, SPSR NELLORE DISTRICT-524121.
2. SMT.P.PADMAVATHI,, D/O P.RAMANA REDDY, AGED 40 YEARS, OCC- TYPIST, R/O-D.NO.26-L-222, B.V.NAGAR, MGO COLONY, S.P.S.R. NELLORE DISTRICT, ANDHRA PRADESH -524004.
3. SMT KOLAGATIA NEELIMA,, D/O. K.VIJAY KUMAR, AGE- 31 YEARS, OCC- JUNIOR ASSISTANT, R/O. D.NO.L0-50-28, KACHERI MITTA, 1ST LINE. CHURCH ROAD, KAVALI (M) KAVALI, S.P.S.R.NELLORE DISTRICT, ANDHRA PRADESH - 524201.
4. THURIMERLA SUNEETHA,, D/O. T.RAMANALAH, AGE- 29 YEARS, OCC- TYPIST, R/O- MAIN ROAD, RAJIJKA VEEDHI, CHINNAKRAKA VILLAGE, JALANDANKI MANDAL, S.P.S.R. NELLORE DISTRICT.
5. SMT. Y.POLAMMA,, D/O. LATE Y.MALAI AH, AGE- 44 YEARS, OCC- JUNIOR ASSISTANT, R/O- PAGAVARI PALEM VILLAGE, NARAYANA REDDY PETA POST DEVIS PETA, INDUKURUPETA MANDAL, S.P.S.R.NELLORE DISTRICT, ANDHRA PRADESH - 524314.

...PETITIONER(S)**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, LAW (LA AND J) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT
- 2.THE HONORABLE HIGH COURT OF ANDHRA PRADESH, REP. BY ITS REGISTRAR ADMINISTRATION, AMARAVATHI, GUNTUR DISTRICT.
- 3.THE HONORABLE HIGH COURT OF ANDHRA PRADESH, REP. BY ITS REGISTRAR GENERAL, AMARAVATHI, GUNTUR DISTRICT.
- 4.THE PRINCIPAL DISTRICT JUDGE, NEILORE, NELLORE DISTRICT, ANDHRA PRADESH.

...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 may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, i. declaring the impugned action of respondents In not considering the case of petitioners for regularization on par with contract employees who were working In Fast Track Courts who were regularized as illegal, arbitrary and ii. further action in issuing proceedings in R.O.C.No.123/EI/202 1, dt.02.09.2022, wherein the case of petitioners for regularization was rejected, while extending such benefit of Regularization to the staff working in Fast Track Courts vide order in R.O.C.NO.275/E1/2008, dt.31.12.2018, as illegal arbitrary and violation of Article 14 and 16 of the Constitution of India. iii. Consequently direct the respondents to regularize the services of the petitioner, by extending the benefit of Division Bench of this Honorable Court in W.P.Nos.32917 of 2022 and W.P.No.36206 of 2022, vide order dt 31.07.2024 and pass

IA NO: 1 OF 2024

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 may be pleased to direct the respondents to consider the case of petitioners for regularization on par with the contract employees working in Fast Track

Courts who are regularized, in view of the Judgment of Honorable Division Bench in W.P.Nos.32917 of 2022 and W.P.No.36206 of 2022, vide order dt 31.07.2024, in the interest of Justice, Pending disposal of the present Writ Petition and pass

Counsel for the Petitioner(S):

1. G V SHIVAJI

Counsel for the Respondent(S):

1. VIVEK CHANDRA SEKHAR S

2. GP FOR SERVICES I

Date of Reserved : 01.12.2025

Date of Pronouncement : 10.12.2025

Date of Upload : 10.12.2025

The Court made the following common Order:

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Sri G.V. Shivaji, Sri P. Rajasekhar, Sri Pardha Saradhi A.V, Ms. Aishwarya Nagula, learned counsels for the petitioners, Sri N.V. Sumanth and Smt. B. Vasantha Lakshmi, the learned Standing Counsels for the respondents.

2. As the issues raised in all these Writ Petitions are common, they are being disposed of, by way of this common order.

3. At the request of the High Court of Andhra Pradesh, the Government of Andhra Pradesh had sanctioned 140 Special Magistrate Courts (Civil Junior Division) and 113 Judicial Magistrate of II Class/Special Magistrate Courts (Morning Courts). These Special Magistrate Courts were to be maintained by staff recruited from retired employees of the A.P. Judicial Ministerial Services or, in case of non-availability of retired employees, eligible candidates strictly on contract basis. Accordingly, the staff for running these Special Magistrate Courts were recruited and have been working in the Special Magistrate Courts.

4. The petitioners in all these Writ Petitions are persons who had been recruited as staff, on contract basis, in all these Special Magistrate Courts. They have approached this Court seeking regularization of their services and their absorption as permanent employees of the Courts.

5. In an earlier round of litigation, another set of such persons, who were similarly situated, had approached this Court, by way of W.P.No.36206 of 2022 and W.P.No.32917 of 2022. A Division Bench of this Court, by an order, dated 31.07.2024, had allowed the Writ Petition with a direction to the respondents, therein, to regularize the services of the petitioners, on the same lines as that of contract employees of Fast Track Courts. The appeal filed before the Hon'ble Supreme Court, against this order, came to be dismissed and subsequently such persons have also been regularized in service.

6. The petitioners, in the present set of cases, seek parity with the petitioners in W.P.No.32917 of 2022 and 36206 of 2022. The petitioners herein, contend that they have been working for a very long period of time spanning, in some cases more than 12 to 13 years, and that they are entitled for regularization of services.

7. These Writ Petitions are resisted by the respondents on the following grounds:

1) Regularization can be made, where persons are temporarily recruited, against existing vacancies, which is not the case here;

2) Provisions of Act 2 of 1994 prohibit such regularisation;

3) The prohibition in the case of Secretary, **State of Karnataka and Ors., vs. Umadevi and Ors.**,¹ restricting such regularization would apply to the present case also. In **Umadevi's** case, the Hon'ble Supreme Court had

¹(2006) 4 SCC 1

distinguished between illegal appointments and irregular appointment and, while prohibiting regularization of illegal appointments, had permitted regularization of irregular appointments, on a one-time basis. The petitioners herein, are not irregular appointments but illegal appointments done without following the necessary procedure of recruitment.

8. The Andhra Pradesh (Regularization of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 was enacted for the purposes of regulating appointments and prohibiting irregular appointments, including regularization of such appointments in relation to various establishments. Section 3 prohibits appointment on daily wage basis or temporary appointments in any Public Services. Section 7 bars regularisation of services of daily wage employees or persons appointed on a temporary basis. The learned counsel appearing for the respondents would contend that all the petitioners in the present cases are persons appointed on a contract basis which is a temporary basis. Consequently, they cannot be regularized, in view of the prohibition contained in Section 7 of Act 2 of 1994.

9. The learned counsel for the respondents would also contend that there are no permanent posts, in the staff working in the Special Magistrate Courts. The question of regularization of temporary staff in the absence of such permanent posts, does not arise. Further, the petitioners herein, cannot be regularized against posts in the regular courts inasmuch as they were never appointed against vacancies in such permanent posts. Apart from this,

regularization of the services of these petitioners, in the permanent posts available in the regular courts would only perpetuate a system where persons are recruited, on a temporary basis in the Special Magistrate Courts and are then regularized in permanent vacancies. Thereafter, another set of persons would be needed in the Special Magistrate Courts and such persons would again be appointed only on temporary basis as there are no permanent posts. Later, these people would also seek similar regularization against permanent posts in the regular courts. This continuous system of regularizing persons employed on temporary basis, in Special Magistrate Courts, against vacancies available in the permanent posts of the regular courts would be a perennial problem and lead to recruitment of people, in contravention of the requirement of conducting such recruitment purely on the basis of merit.

10. Learned counsel for the respondents, while reiterating the respective counter affidavits filed by the respondents, would contend that the Hon'ble Supreme Court had held that temporary appointments made on the basis of conducting a proper exercise of selection, by merit would amount to irregular appointments while any other appointments made, on a temporary basis, would be illegal appointments. The learned counsel would further contend that the petitioners in these cases were not appointed by conducting a proper selection process. It is contended that in all these cases, necessary publicity regarding the selection process has not been adhered, as no publicity

was given in any newspaper or public media and the vacancies were notified on the notice boards of the Courts.

11. Sri G.V. Shivaji, the learned counsel appearing for some of the petitioners in the Writ Petitions contended that Act 2 of 1994 would not be applicable to the Courts. He draws the attention of this Court to the Preamble to the Act which reads as follows:

THE ANDHRA PRADESH (REGULATION OF APPOINTMENTS TO PUBLIC SERVICES AND RATIONALISATION OF STAFF PATTERN AND PAY STRUCTURE) ACT, 1994 (ACT 2 OF 1994) [15th January, 1994.] AN ACT TO REGULATE APPOINTMENTS AND PROHIBIT IRREGULAR APPOINTMENTS IN OFFICES AND ESTABLISHMENTS UNDER THE CONTROL OF THE STATE GOVERNMENT, LOCAL AUTHORITIES, CORPORATIONS OWNED AND CONTROLLED BY THE STATE GOVERNMENT AND OTHER BODIES ESTABLISHED UNDER A LAW MADE BY THE LEGISLATURE OF THE STATE TO RATIONALISE THE STAFF PATTERN AND PAY STRUCTURE OF EMPLOYEES THEREIN AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

12. He would also draw the attention of this Court to Section 2 (vi) of Act 2 of 1994, which defines public Services in the following manner:

Section 2 [(vi) "Public Services for the purposes of this Act" means, services in any office or establishment of:-

(a) the Government;

(b) a local authority;

(c) a Corporation or undertaking wholly owned or controlled by the State Government;

(d) a body established under any law made by the Legislature of the State whether incorporated or not; including a University;

(e) a Co-operative Society registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964); and

(f) any other body established by the State Government or by a Society, other than the Society specified under sub-clause (e), registered under any law relating to the registration of societies for the time being in force, and receiving funds from the State Government either fully or partly for its maintenance or any educational institution whether registered or not but receiving aid from the Government.]

13. The learned counsel would contend that this Act would apply only to the services in the control of the State Government, local authorities etc., and that the same would not be applicable to the Judiciary as neither the High Court nor the District Judiciary are controlled by the State Government nor fall within the parameters of any of the other entities specified in the preamble or Section 2 (vi).

14. Sri G.V. Shivaji as well as the other learned counsel contend that the petitioners had been selected after putting them through a selection process which included invitation for applications and conduct of written tests or interviews for ascertaining the suitability of the petitioners for temporary appointments as staff in the Special Magistrate Courts. They would submit that in such circumstances, the appointments of the petitioners cannot be treated as illegal appointments and would have to be treated as irregular appointments only. On the question of regularizing the services of the petitioners in the vacancies available in the regular Courts, the learned

counsel for the petitioners would contend that the said system had been followed in the earlier round of litigation and the same system can be adopted for the present round of litigation also.

15. The Preamble to Act 2 of 1994 states that it is an Act to regulate appointments and irregular appointments in various bodies Including "other bodies established under a law made by the legislature of the State". The District Courts are created by the Civil Courts Act. In such circumstances, the District Courts would fall within the ambit of Act 2 of 1994. Similarly, Section 2(vi)(d) would bring District Courts within the ambit of Act 2 of 1994. For this reason, the contention of learned counsel for the petitioners, that Act 2 of 1994 does not cover the District Courts would have to be rejected. Once, Act 2 of 1994 applies, the prohibition, set out in Section 7 of this Act, would also apply and regularization of temporarily appointed persons, in the District Judiciary, would not be permissible.

16. The Special Magistrate Courts, which were initially set up as temporary Courts, were sought to be staffed only by temporary employees. However, these Courts have now become an established feature in the judicial system in the State of Andhra Pradesh. However, the staffing patterns, for these Courts, continues to be a system of temporary appointments only. This dichotomy needs to be addressed by the High Court as well as the State Authorities. Be that as it may, the fact remains that there are no permanent posts available in the establishments of the Special Magistrate Courts. In such

circumstances, regularisation of temporary staff against non-existent permanent posts would not arise. The alternative of regularizing such temporary staff against vacancies in permanent posts in the regular Courts may also not be permissible as these persons were never appointed against vacancies in permanent posts in the regular courts. Apart from this, the contention of the learned counsel for the respondents that this would perpetuate a system of indirect recruitment, without following the necessary selection procedures cannot be rejected.

17. Regularization of the petitioners, even if they are treated to be irregular appointments, would not be permissible. In that view of the matter this Court is not going into the question of whether the appointments of the petitioners were irregular or illegal.

18. In view of the above observations, this Court has no option except to dismiss these Writ Petitions and they are accordingly dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

R. RAGHUNANDAN RAO, J

T.C.D. SEKHAR, J
RJS

THE HON'ABLE SRI JUSTICE R RAGHUNANDAN RAO
AND
THE HON'BLE SRI JUSTICE T.C.D. SEKHAR

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(per Hon'ble Sri Justice R Raghunandan Rao)

10.12.2025

RJS

