

HIGH COURT OF ANDHRA PRADESH AT AMARAVATIMAIN CASE No.: W.A.No.922 of 2024PROCEEDING SHEET

Sl. No.	DATE	ORDER	REMARKS
2.	21.11.2024	<u>GN,J & TCDS,J</u> <u>I.A.No.3 of 2024</u> Heard Mr. S.V.S.S.Siva Ram, learned counsel for the petitioners-appellants and Mr. P. Raj Sekhar, learned counsel for the respondent Nos.1 to 3. 2. The learned counsel for the respondents placed on record a Memo No.1555565/HR/2024, dated 16.07.2024, whereby, the Government of Andhra Pradesh in compliance with the direction issued by the learned Single Judge in paragraph 60 (c) of the impugned Judgment, has been pleased to consider the cases of the petitioners therein and further been pleased to reject their claim for regularization and in that view, he would submit that the Writ Petition relief having worked out itself, the question of entertaining Writ Appeal would not arise.	

		3. Per contra, learned counsel for the petitioners-appellants would invite the attention of the Court to the observations of the learned Single Judge in paragraph No.51, 55 and 56 and submit that the said observations are highly misconceived and he would submit that basing on the observations, another batch of Writ Petitions have now been preferred by different parties and in that view, he would submit that the matter requires consideration failing which, it could result in serious miscarriage of justice. 4. The submission in our opinion merits consideration. <i>Prima facie</i>, the observations appear to be contrary to the law laid down and rendered by the Constitutional Bench in <i>Umadevi's</i> case. The directions that emanated from the Hon'ble Apex Court did not reserve unfettered liberty in the State. The State was to consider cases of persons who were in employment as on the date of the judgment and who were eligible as per the criteria stipulated in paragraph No.53 of the Judgment.	
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		5. The reliance on the <i>M.L.Kesari's</i> case by the learned Single Judge cannot be faulted with but yet again, it needs to be pointed out that those cases related to persons, who were in employment as on the date of judgment. The liberty has not been laid down as a principle to be followed for all times to come. The scheme that was a proposed by the Constitutional Bench was a one-time affair and cannot be construed as a measure that may be adopted for all times to come. If such an approach is permitted, it would virtually render the Public Service Commission a redundant body and would clearly encourage back door entries into the Public or Government Services in complete violation of Article 14 and Article 16 of the Constitution of India. 6. In that view, we are of the opinion that the observations in the above paragraphs are required to be stayed. 7. Accordingly, the observations shall stand stayed. 8. Interim order granted today shall not come in	
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		the way of original petitioners in seeking remedy against the Memo No.1555565/HR/2024, dated 16.07.2024. 9. Accordingly, I.A.No.3 of 2024 is ordered. <u>W.A.No.922 of 2024</u> List after four (04) weeks. _____ GN,J _____ TCDS,J PKR	
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