

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

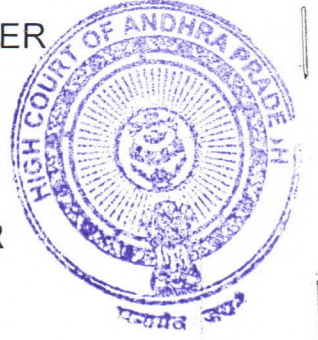
THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE G.NARENDAR

AND

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR



IA No. 3 OF 2024
IN
WA NO: 922 OF 2024

Between:

1. Dr. Raghu Kubireddy, S/o Suryanarayana,
Aged 35 years, R/o 41-4-61, Metla bazar Road,
Krishna lanka, Vijayawada

2. Dr. Narayanam Vishnu Vardhan
S/o Narayanam Srinivasa Deekshitulu, aged 33 years,
Resident of 10-13-22, Vikhanasa Veedhi, Bose road,
Repalle-522264, Guntur(Dt) Andhra Pradesh

3. Dr.Keerthi Naga Anusha
D/o K Rama Krishna Rao, aged 26 years,
Resident of 6-269, Venkanna Peta, S.Rayavaram,
Vishakhapatnam District

4. Dr.Sowmya Bommu
D/o Uma Maheswara Reddy, aged 36 years,
R/o H.no 1-87, Atmakur, Mangalagiri, Guntur District.

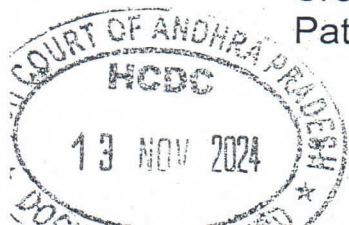
5. Dr.Hema Gudivada
D/o G.kondababu, aged 32 years,
Resident of 41-1-40, Rangayya naidu street,
Budam peta, Kakinada

.....Petitioners/Appellants/

AND

1. Dr.MVRKS Bhagavan, S/o M. Ramakrishnamacharyulu,
Aged about 54 years, R/o 1-44A,
Dkiparru Village, Gudlavalleru Mandal, Krishna District.

2. Dr.K. Rajeswari, W/o T. Vidyasagar,
Aged about 55 years, R/o Flat B1,
Sree Ganesh Apartments, 1st Line,
Pattabhipuram, Guntur District.



3. Dr.PVRVS Krishna Kumar,
S/o P. Hanumacharyulu, aged 56 years,
R/o Idupulapadu Village, Inkollu Mandal,
Prakasam District

4. State of Andhra Pradesh,
Represented by its Principal Secretary,
Medical Health and Family Welfare Department,
Secretariat Buildings, Velagapudi, Amaravati.

5. The Commissioner, Department of Ayush, Vijayawada.

6. The Andhra Pradesh Public Service Commission,
Represented by its Secretary, Vijayawada

...Respondents/Respondents

7.Dr. Satyanarayana Earle,S/o Jagannadham,
Aged 37 years, R/o D.no.48-15-124, santhinagar,
NAD X roads, Visakhapatnam.

8. Dr.Saikrishna Kumar Ogirala, S/o O.V.Subba Rao,
aged 32 years,Resident of 33-18-20, G-2, vijaykrishna
apartment's, chalasani venkata krishnanaiah street,
suryarao peta, besides city neuro centre, Vijayawada.

9. Dr.Kraleti Sribala, D/o B.K.Sastry, aged 34 years,
No 302, crescent towers, opp Andhra bank,
Seetammadhara, Visakhapatnam District

10. Dr.Keerthi Naga Anusha,D/o K Rama Krishna Rao,
aged 26 years, Resident of 6-269, Venkanna Peta,
S.Rayavaram, Vishakapatnam District

11. Dr. Mopidevi Mahidhara Krishna
S/o M. V. Suryanarayana Murthy, aged 28 years,
Resident of D. no: 23-19-6/1, Jalla vari street,
Satyanarayanapuram, Vijayawada

12. Dr. Mohammed Zameer Irfan
S/o Mohammed Abdul Azeem, aged 26 years,
Resident of Sf4, Gowtham towers, Sbi colony 2,
Siddhartha nagar, Vijayawada

13. Dr.Sowmya Bommu
D/o Uma Maheswara Reddy, aged 36 years,
R/o H.no 1-87, Atmakur, Mangalagiri, Guntur District.

14. Dr. Ogirala Sairam Kumar,
S/o O.V.Subbarao, aged 32 years,
R/o 33-18-20, G-2, chalasani venkata
krishnaya Street, Kasturibhai peta, Vijayawada

15. Dr.Ramya Kamireddi, D/o K.Satya Rao, aged 32 years,
Resident of D.No - 3/33, Settipalem Village,
Makavaripalem, Visakhapatnam-531113

16. Dr. Mantha Lakshmi Divya
D/o M. Sri Rama Murthy, aged 26 years,
Resident of Do.no 6-271E, Subbaraipuram,
Annavaram, East Godavari District

17. Dr. Parasaram Geetha Mounika, D/o P.Ravindra Babu,
aged 26 years, Resident of D.No: 10-19-57,
Brahmin Street, I Town , Vijayawada.

18. Dr.Tanneru Veera Venkata Sai Pravallika
D/o T. Madhusudhana Rao, aged 25 years,
Resident of Door No.14-1209P, Sodhan Nagar,
Beside RTC Busstand, Nellore - 524001

19. Dr.Shaik Parveen, D/o Sk.Karimulla, aged 26 years,
Resident of 2-148, Nirmala Nagar, Nagireddypalle,
Vinukonda Mandal, Guntur District.

20. Dr. Sravani Devarapalli
D/o D. Sivarama Koteswara Rao, aged 27 years,
Resident of 41- 27-2/2, Ramalingeswara Reddy Nilayam,
Kotha mashine road, Krishnalanka, Vijayawada.

21. Dr. S.V.L Sindhura, D/o SSR Anjaneyulu (late),
aged 32 years, Resident of KT road, Vaagu Centre,
near KBN College, Venkata lakshmi nilayam Apartments,
FF4, Vijayawada

...Respondents/Respondents

(Respondents 7 to 21 are not necessary parties in this Appeal)

Petition under Section 151 of 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 stay the common order dated 28.03.2024 in WP. No. 27616 of 2021, Pending disposal of WA No. 922 of 2024, on the file of the High Court.

Counsel for the Petitioners

:M/s CKR ASSOCIATES

Counsel for the Respondent Nos.1 to 3 :SRI P RAJASEKHAR

Counsel for the Respondent Nos.4 & 5 :GP FOR M & H (SERVICES-IV)

Counsel for the Respondent No.6

:SRI V.VENKATA NAGARAJU,

Standing Counsel

The Court made the following

ORDER:

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. *Prima facie*, the observations appear to be contrary to the law laid down and rendered by the Constitutional Bench in Umadevi's 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.

5. The reliance on the M.L.Kesari's 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 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 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.

//TRUE COPY//

For A

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. Dr MVRKS Bhagavan, S/o M. Ramakrishnamacharyulu, Aged about 54 years, R/o 1-44A, Dkiparru Village, Gudlavalleru Mandal, Krishna District
2. Dr.K. Rajeswari, W/o T. Vidyasagar, Aged about 55 years, R/o Flat B1, Sree Ganesh Apartments, 1st Line, Pattabhipuram, Guntur District.
3. Dr.PVRVS Krishna Kumar, S/o P. Hanumacharyulu, aged 56 years, R/o Idupulapadu Village, Inkollu Mandal, Prakasam District
4. The Principal Secretary, Medical Health and Family Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati (by Special Messenger)
5. The Commissioner, Department of Ayush, Vijayawada.
6. The Secretary, Andhra Pradesh Public Service Commission, Vijayawada (Addressees 1 to 3, 5 & 6 By RPAD)
7. One CC to M/s CKR ASSOCIATES, Advocate [OPUC]
8. One CC to SRI. P RAJASEKHAR, Advocate [OPUC]

9. Two CCs to GP FOR SERVICES-IV, High Court of Andhra Pradesh
[OUT]

10. One CC to SRI V.VENKATA NAGARAJU, Standing Counsel [OPUC]

11. Two spare copies

PSR

HIGH COURT

GN,J
&
TCDS,J

DATED:21/11/2024

NOTE: LIST AFTER FOUR (04) WEEKS.

ORDER

IA No. 3 OF 2024
IN
WA NO: 922 OF 2024

I.A.No.3 of 2024 IS ORDERED

