

[3460]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

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

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33605 OF 2025



Between:

P V Aruna Kumari, D/o P. Satya Rao, Aged 41 years, Working as Lecturer in Commerce, M.S. Naicker Degree College, Kakinada, R/o Drivers Colony, Inside A.S.R. Colony, Toorangi, Kakinada Rural, East Godavari District-533016.

.... Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Higher Education Department, Secretariat Buildings Velagapudi, Guntur District.
2. The Commissioner of Collegiate Education, State of Andhra Pradesh, D.No. 11-307, K.K. Garudadri Towers, Lakshminarasimha Colony Mangalagiri, Guntur District.
3. The Director of Collegiate Education, State of Andhra Pradesh, D.No. 11-307, K.K. Garudadri Towers, Lakshminarasimha Colony Mangalagiri, Guntur District.
4. The Regional Joint Director, Collegiate Education, Rajamahendravaram, East Godavari District.
5. M.S. Naicker Degree College, Rep. by its Correspondent, Jagamaikpur, Kakinada, Yanam Road, East Godavari District-533016.

... Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may

be pleased to issue Writ or order or direction more particularly one in the nature of Writ of Mandamus, declare the action of the respondents in not regularizing / absorbing the petitioner into aided post from the date of availability of sanctioned posts with all consequential benefits and driving the petitioner to this Honble Court for justice as illegal, unjust and unconstitutional, contrary to the law laid down by the Honble Apex Court and contrary to the GCs issued by the respondent department and consequently direct the respondents to regularize the services of the petitioner with all consequential benefits with effect from the date of their appointment in the existing vacancies for aided post in Commerce in the 5th respondent College.

IA NO: 1 OF 2025

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 respondents not to disturb the petitioner in her service and grant Minimum Time Scale to the petitioners, Pending disposal of WP 33605 of 2025, 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 P VIJAYA KUMARI Advocate for the Petitioner, GP FOR HIGHER EDUCATION for the Respondent Nos.1 to 5, the Court made the following.

ORDER

1. The present Writ Petition is filed seeking a direction to the Respondents to regularize the services of the Petitioner with effect from date of initial appointment by relaxing the necessary procedures/GOs and absorb her in any of the Government/aided colleges.

2. As an interim measure, Smt. P. Vijaya Kumari, learned counsel for the Petitioner, would submit that the case of the Petitioner can be considered for regularization and also seek for protection of termination of services.

3. The Division Bench of this Court, in W.P.No.7736 of 2021 and batch, while taking note of the divergent views expressed in W.A.Nos.864 and 873 of 2021 and in W.A.No. 1193 of 2024 and batch, has referred the issue relating to absorption and regularization in aided vacancies for consideration by a Full Bench. In view thereof, the case of the present Petitioner with respect to absorption/ regularization shall be considered after the adjudication of the said issue by the Full Bench of this Court.

4. In light of the submissions made by learned counsel for the Petitioner, this Court, as regards the plea for protection from termination, is inclined to pass an interim direction to the Respondents not to terminate the Petitioner's employment, pending further orders, in view of her long standing service.

1. List the matter along with W.P. No.31127 of 2025.

//TRUE COPY//

SD/- B.PRASAD RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat Buildings Velagapudi, Guntur District.

2. The Commissioner of Collegiate Education, State of Andhra Pradesh, D.No. 11-307, K.K. Garudadri Towers, Lakshminarasimha Colony Mangalagiri, Guntur District.
3. The Director of Collegiate Education, State of Andhra Pradesh, D.No. 11-307, K.K. Garudadri Towers, Lakshminarasimha Colony Mangalagiri, Guntur District.
4. The Regional Joint Director, Collegiate Education, Rajamahendravaram, East Godavari District.
5. The Correspondent, M.S. Naicker Degree College, Jagamaikpur, Kakinada, Yanam Road, East Godavari District-533016.(1 to 5 by RPAD)
6. One CC to SRI. P VIJAYA KUMARI Advocate [OPUC]
7. Two CCs to GP FOR SERVICES II ,High Court Of Andhra Pradesh. [OUT]
8. **One spare copy**

ksr

HIGH COURT

VN, J

DATED:03/12/2025

List the matter along with W.P. No.31127 of 2025.

ORDER

WP.No.33605 of 2025

DIRECTION

