

ITEM NO.5 Court 3 (Video Conferencing)

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).19030/2020

(Arising out of impugned final judgment and order dated 21-04-2020 in WPN No. 23057/2019 passed by the High Court for the State of Telangana at Hyderabad)

POTTISREERAMULU TELUGU UNIVERSITY HYDERABAD & ORS. Petitioner(s)

VERSUS

C. MAHENDER & ORS.

Respondent(s)

(WITH I.R. and IA No.93625/2020-CONDONATION OF DELAY IN FILING and IA No.93627/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.93628/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-12-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Ms. Madhavi Divan, ASG  
Mr. P. Venkat Reddy, Adv.  
Mr. Prashant Tyagi, Adv  
Ms. Aishani Narain Adv  
Ms. Ayush Puri Adv  
Mr. P. Srinivas Reddy, Adv.  
for M/S. Venkat Palwai Law Associates, AOR

For Respondent(s) Mr. Sadineni Ravi Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

- 1 We have heard Ms Madhavi Divan, learned Additional Solicitor General appearing on behalf of the petitioners and Mr Sadineni Ravi Kumar, learned counsel appearing on caveat.

- 2 In pursuance of the previous order dated 9 October 2020, an affidavit has been filed on behalf of the State of Telangana. In the affidavit which has been filed in these proceedings, it has been submitted that SLP (C) Diary No 15767 of 2018 is pending before this Court in which the interpretation of GOMs 212 dated 22 April 1994 arises. Notice has been issued by this Court on 15 May 2018 in the said SLP.
- 3 The learned ASG submits that the issue which is raised in these proceedings is whether the observations contained in paragraph 53 of the judgment of this Court in **Secretary, State of Karnataka v Uma Devi**<sup>1</sup> would apply in the present case where GOMs 212 dated 22 April 1994 (mandating five years of service as on 25 November 1993 as a condition for regularization) received legislative approval in the Andhra Pradesh Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure Act (Act 2 of 1994).
- 4 The submission of the learned ASG is that the provisions of the said Act were held in the judgment of this Court in **A Manjula Bhashini v Managing Director, Andhra Pradesh Women's Cooperative Finance Corporation Ltd**<sup>2</sup> to be binding.
- 5 The learned ASG has also submitted that the consequence of the judgment of the High Court would be that besides involving the State in a large financial outflow, there will be virtually no fresh recruitment for several years.
- 6 It is, however, common ground that the impact of the decision in **Uma Devi's** case has not been dealt with in **A Manjula Bhashini**.

1 (2006) 4 SCC 1

2 (2009) 8 SCC 431

7 On the other hand, Mr Sadineni Ravi Kumar relied upon the judgment of the High Court in **U V S R Prasad v State of Andhra Pradesh rep by its Prncipal Secretary - Municipal Administration and Urban Development, Guntur District** (cited in the impugned judgment) against which a Special Leave Petition, being SLP (C) Diary No 15327 of 2019 has been dismissed by this Court.

8 Mr Sadineni Ravi Kumar also submits that the pending Special Leave Petition, referred to in the affidavit filed by the State (SLP (C) Diary 15767 of 2018) does not deal with the issue as to whether regularization can be granted on the basis of paragraph 53 of the decision in **Uma Devi's** case in view of the provisions of the State Act of 1994. He submits that the issue in that case is different, namely, in regard to the grant of pay scales to persons who have been regularized.

9 The applicability of the directions in para 53 of **Uma Devi** to a situation where the State Act provides for specific conditions for regularization has been raised in these proceedings. The State Act of 1994 requires 5 years' service on 25 November 1993 for regularization. The decision of this Court in **A Manjula Bhashini** specifically deals with the provisions of the State Act of 1994.

10 Issue notice.

11 Mr Sadineni Ravi Kumar, learned counsel appearing on caveat, accepts notice.

12 Counter affidavit be filed within a period of six weeks from today.

13 Rejoinder, if any, be filed within four weeks thereafter.

14 List the Special Leave Petition on 22 February 2021.

- 15 The interim protection which was granted by the order of this Court dated 9 October 2020 shall continue pending further orders.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**