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APHC010391572023

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

SATURDAY, THE 19th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 20183 OF 2023

Between:

1. P VIJAYALAKSHMI, W/o P.Vijaya Dayakar, Aged about 46 , R/o Plot No 206, Sai Koustabam Aparments, Alapati Nagar, 2nd line, Tenali , Guntur District.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Velagupudi, Amaravati, Guntur District, Andhra Pradesh.

2. The Commissioner, Ayush Department, Andhra Pradesh, Vijayawada

3. The Chief Assistant Officer, National Health Mission, A.P Mangalgiri, Guntur District.

4. The Inspector, Ayush Department, Gollapudi, Vijayawada.

...Respondents

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 issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in terminating the petitioner from services by Proceedings No 1803060/HR/2023 dated 18.02.2023 without conducting proper enquiry is illegal arbitrary and violation of principles of natural justice consequently set aside the same and pass

IA NO: 1 OF 2023

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 to suspend the Proceedings No 1803060/HR/2023 dated 18.02.2023 passed by the 2nd respondent terminating the petitioner from services without conducting proper enquiry by continuing the petitioner as compounder and pass

IA NO: 1 OF 2026

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 receive the reply affidavit on record by allowing the leave petition in the Writ Petition in the interest of Justice and to pass

Counsel for the Petitioner: N ASHWANI KUMAR

Counsel for the Respondents: GP FOR SERVICES IV

The Court made the following Order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> "…*to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in terminating the petitioner from services by Proceedings No 1803060/HR/2023 dated 18.02.2023 without conducting proper enquiry is illegal arbitrary and violation of principles of natural justice consequently set aside the same and pass*…"

2. The case of the petitioner is that the petitioner had been appointed as a Yoga/Pranayanam instructor by the Regional Deputy Director, Ayush Department Zone III, Ongole, on contract basis under the scheme of NRHM. Thereafter she got promoted as Ayush NHM Compounder. While so, the petitioner herein got issued show cause notice *vide* proceedings No.1803060/HR/2023, dated 18.02.2023, alleging that the petitioner and three others committed illegal act of collecting money in the name of Health Minister and NHM Office. In reply to the same, petitioner submitted his explanation to the show cause notice requesting to drop the charges leveled against the petitioner. Without considering the same and without conducting proper enquiry, the 2nd respondent-Commissioner, Ayush Department, straightaway terminated the services of the petitioner. Aggrieved by the same, the Writ Petition has been filed.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services-IV appearing on behalf of the respondents.

4. Learned counsel for the petitioner submits that petitioner has been appointed as Yoga/Pranayam instructor by the Regional Deputy Director, Ayush Department Zone III, in accordance with the provisions of Andhra Pradesh Civil Services (CC&A) Rules. From the inception of the service, the petitioner has been working to the utmost satisfaction of the authorities. He further submits that during the course of her services, the respondent authorities issued show cause notice against her, by leveling false and baseless allegations.

5. Learned counsel for the petitioner further submits that though the petitioner submitted her explanation, the respondent authorities without considering the explanation of the petitioner and without conducting proper enquiry, just by relying on the enquiry report, highhandedly, terminated the petitioner from her service. Hence, he prays to allow this Writ Petition.

6. On the other hand, learned Assistant Government Pleader for Services-IV submits that since the petitioner being the contract employee, the Andhra Pradesh Civil Services (CC&A) Rules, have got no application to the case of the petitioner. She further submits that since the petitioner was appointed on contract basis, once the contract comes to an end, the employee and employer relationship seizes.

7. Learned Assistant Government Pleader for Services-IV further submits that the petitioner was appointed under the Scheme of National Rural Health

Mission (NRHM) Scheme on contract basis but not under any sanctioned post and hence, the Andhra Pradesh Civil Services (CC&A) Rules, are not applicable to the case of the petitioner and prays to dismiss this Writ Petition.

8. To support his contentions, learned counsel for the petitioner relied on the decision of Hon'ble Apex Court in ***State Bank of India and others v. Palak Modi and another***[1]***,*** wherein the relied para is extracted hereunder:

> ***15.*** *In Parshotam Lal Dhingra v. Union of India, which can be considered as an important milestone in the development of one facet of service jurisprudence in the country, the Constitution Bench was called upon to decide whether the order of reversion of an official holding a higher post in an officiating capacity could be treated as punitive. After elaborate consideration of the relevant provisions of the Constitution and judicial decisions on the subject, the Constitution Bench observed: (AIR p. 49, para 28)*
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> *"28. ... In short, if the termination of service is founded on the right flowing from contract or the service rules then prima facie, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not attracted. But even if the Government has, by contract or under the rules, the right to terminate the employment without going through the procedure prescribed for inflicting the punishment of dismissal or removal or reduction in rank, the Government may, nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualification, then it is a punishment and the requirements of Article 311 must be complied with."*

9. Relying on the decision referred *supra*, learned counsel for the petitioner submitted that the procedure laid down in Article 311(2) of

[1] (2013) 3 Supreme Court Cases 607

Constitution of India should be complied with. He further submits that as far as the case of the petitioner is concerned, a proper enquiry has not been conducted and a fair opportunity has also not been provided to the petitioner and requests this Court to allow this Writ Petition.

10. Having considered the submissions made by the learned counsel for both sides, this Court is of the considered view that the petitioner was engaged as a contract employee and his appointment was purely on contractual basis. Since the term of the contract has come to an end, the petitioner has no vested right to seek continuation in service. It is also evident that the petitioner was engaged under the Scheme and not against any sanctioned post.

11. Learned counsel for the petitioner submits that the petitioner was terminated on certain allegations and, therefore, a detailed enquiry is required to determine the alleged misconduct.

12. Even assuming an enquiry is held and the alleged imputations are held to be not proved and the impugned order is set aside, as the contractual engagement of the petitioner came to an end on 31.05.2023 in terms of the agreement entered into between the parties, the same would not revive the expired contract.

13. As regards the judgment relied upon by learned counsel for the petitioner, the same has no application to the present case, as the petitioner

was engaged purely on contract for a specified period and was not appointed against a regular post, either as a temporary employee or probationer, so as to attract the protection under Article 311 of the Constitution of India.

14. In view of the expiry of the contractual period, the petitioner is not entitled to the relief sought for. Accordingly, the Writ Petition is ***dismissed***. There shall be no order as to costs.

Consequently, miscellaneous petitions if any, shall stand closed.

Interim orders granted earlier if any, also shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Dated: 19.09.2026
M K K / S A K

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable		Non-reportable	☑

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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Writ Petition No. 20183 of 2023

Date: 19.09.2026

S A K