

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9099 of 2013

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DATED: 29-01-2015

Between:

R. Naga Jayanthi and others

.. Petitioners

And

The Government of A.P., rep. by its
Principal Secretary, Law Department
and others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.9099 of 2013

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ORDER: (per Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

By this writ petition, the petitioners being the employees of Fast Track Courts appointed on contractual basis seek to get the relief of absorption and regularization on par with the Fast Track Court Judges in terms of the judgment of the Supreme Court in the case of ***BRIJ MOHAN LAL V/s. UNION OF INDIA***^[1].

We are just amazed to see as to what extent a citizen can assert his so called right to get justice. We think that there must be some limit. Therefore, we culled out the real intention of the petitioners instead of noting of their apparent contention. The petitioners have rendered services, of course, on contractual basis in the Fast Track Courts for a good number of years. Now, the respondents are proposing to recruit the persons like the petitioners in the regular District Courts. First of all, it has to be observed that none of the petitioners has any subsisting legal right for enforcement of the same. While rendering services in Fast Track Courts, they cannot claim any equity to be enforced by way of appointment in any other Courts. However, taking into consideration the equitable view of the matter to the extent available under law, as the petitioners have already gained experience in the atmosphere of judicial administration, we think some measures can be taken to utilize their services. Accordingly, the relief asked for absorption or regularization in

other posts that they have asked for, drawing the analogy of the Fast Track Court Judges, is refused. We direct the respondents that in the event recruitment process in regular Courts is undertaken and the petitioners respond to the notification issued, their cases may be considered along with other eligible candidates condoning age bar if necessary. If anyone fails to respond to the notification, obviously, the benefit of this order will not be available. We make it clear that the petitioners' services shall not be terminated without due process of law, meaning thereby, that they shall be dismissed in accordance with law, or on expiry of their contractual tenure is over, however, subject to renewal being granted in accordance with law by the respondent-authorities, if permissible under law.

The writ petition is accordingly disposed of. Consequently, the miscellaneous applications, if any pending, shall stand dismissed. No costs.

It appears that the State has been wrongly described as Government of Andhra Pradesh. Accordingly, we correct the same to read as the State of Andhra Pradesh in terms of the mandate under Article 300 of the Constitution. Office is directed to carry out necessary corrections in the cause title before issuing copies of this order.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

29-01-2015

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[\[1\]](#) (2012) 6 SCC 502