

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

***HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
And
HONOURABLE MS. JUSTICE J. UMA DEVI**

**+W.P.Nos.37854 of 2012, 2519 of 2013
1871 of 2017 and 20441 of 2018**

%Date: 31-12-2018

W.P.No.37854/2012

#Between:

Reddy Adi Lakshmi,
W/o. Ramana,
Working as Thoti Part Time,
Principal Senior Civil Judge's Court,
Tenali, Guntur District.

... Petitioner

Vs.

1. The District Judge, Guntur.
2. The Registrar Administration, High Court of Andhra Pradesh,
Hyderabad.

... Respondents

W.P.No.2519/2013

#Between:

Pamuri Usha,
W/o. P. Nagaraju,
Working as Masalchi Part Time,
Additional Senior Civil Judge's Court,
Tenali, Guntur District.

... Petitioner

Vs.

3. The District Judge, Guntur.
4. The Registrar Administration, High Court of Andhra Pradesh,
Hyderabad.

... Respondents

W.P.No.1871/2017

#Between:

Konduri Samrajyam,
W/o. Srinivasa Rao,
Fulltime Masalchi,
Working in Principal Senior Civil Judge Court,
Tenali, Guntur District.

... Petitioner

Vs.

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Home (Courts) Department, Secretariat, Amaravathi, A.P.
2. The Secretary to Government, Finance and Planning Department, Secretariat, Amaravathi, A.P.
3. The Registrar, Administration, High Court of Andhra Pradesh & Telangana, Hyderabad.
4. The Hon'ble District Judge, Guntur.

... Respondents

W.P.No.20441/2018

#Between:

Smt. R. Elishamma, W/o. R. Ramanaiah,
Fulltime Masalchi, Working in
Principal Junior Civil Judge Court,
Ongole, Prakasam District, R/o. Door No.8-013-292,
Near C.S.R. Sarma College, Ongole,
Prakasam District – 523 001.

... Petitioner

Vs.

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Home (Courts) Department, Secretariat, Amaravathi, A.P.
2. The Secretary to Government, Finance and Planning Department, Secretariat, Amaravathi, A.P.
3. The Registrar, Administration, High Court of Andhra Pradesh & Telangana, Hyderabad.
4. The Hon'ble District Judge, Guntur.

.... Respondents

! For the Petitioners
(W.P.Nos.37854/2012
W.P. No.2519/2013
W.P.No.1871/2017)

: Mr. K.K. Chakravarthy

! For the Petitioners
(W.P.No.20441/2018)

: Mrs. N.S. Lakshmi

^ For the Respondents

: Mrs. V. Uma Devi SC
Mr. Y. Rama Rao SC
Mr. J. Anil Kumar SC

<GIST:

> HEAD NOTE:

? Cases referred

**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HONOURABLE MS. JUSTICE J. UMA DEVI**

**W.P.Nos.37854 of 2012, 2519 of 2013
1871 of 2017 and 20441 of 2018**

COMMON ORDER: (per VRS,J)

The petitioners have come up with the above writ petitions seeking regularization of their services, on the basis of certain Government Orders.

2. Heard Smt. N.S. Lakshmi, learned counsel appearing for the petitioners and Smt. V. Uma Devi, Mr. Y. Rama Rao and Mr. J. Anil Kumar, learned Standing counsel appearing for the Registry.

3. The petitioners were appointed on various dates in the years 1982, 1988, 1991 and 1993 as part-time masalchies. All of them had passed only 5th standard. The petitioner in W.P.No.20441 of 2018 has also reached the age of 60 years on 31.07.2018 and hence discharged. Their grievance in these writ petitions is that they have not been regularized as per the Government Orders.

4. The service particulars of the petitioners are presented in a tabular column, for easy appreciation, as follows:

Sl. No	Writ Petition No.	Name of the petitioner	Date of birth	Date of first appointment	Whether working continuously till date	Education qualification
1.	WP 37854/12	Reddy Adi Lakshmi	09.05.1966	01.12.1991	Yes	5 th class
2.	WP 2519/13	Pamuri Usha	05.02.1959	01.10.1993	Yes	5 th class
3.	WP 1871/17	Konduru Samrajyam	01.07.1970	04.05.1988	Yes	5 th class
4.	WP 20441/18	R. Elishamma	04.07.1958	01.07.1982	Retired on 31.07.2018 worked as fulltime Masalchi	5 th class

5. Though the respondents have not filed counter affidavits in the first two writ petitions, they have filed counter affidavits in the other two writ petitions.

6. In the counter affidavit filed in W.P.No.1871 of 2017, the Principal District Judge, Guntur has stated that the petitioner in the writ petition was employed as a fulltime masalchi under the category of Contingent Staff and the expenditure was made out of the contingent fund under the Head "020/022 Wages". It is claimed that under G.O.Ms.No.212 Finance and Planning Department dated 22.04.1994, the service of Masalchies, who have been working continuously for a minimum period of five years and continuing as on 25.11.1993 had to be regularized by the appointing authorities. According to the respondent, the petitioner in W.P.No.1871 of 2017 had not fulfilled the conditions stipulated in the Government Order. It is further claimed in the counter affidavit filed in W.P.No.1871 of 2017 that a group of persons working as Masalchies in Guntur District, filed a writ petition in W.P.No.21855 of 1996 and that the same was allowed by this Court by an order dated 11.06.1997. But the said decision was taken on appeal to the Supreme Court in Civil Appeal Nos.5224 and 5225 of 1998. By a judgment dated 26.10.1998, the Supreme Court set aside the judgment of this Court. However, the Supreme court directed that those in part-time employment will get the benefit of G.O.(P).No.112 dated 23.10.1997 and that those in fulltime employment will get the benefit of G.O.Ms.No.212, dated 22.04.1994.

7. Pursuant to the said order, the District Judge, Guntur passed orders dated 20.12.1997 rejecting the request of some of the petitioners including the petitioner in W.P.No.1871 of 2017. Aggrieved by the said order of the District Court dated 20.12.1997, a fresh writ petition was filed in W.P.No.31311 of 1998. The said writ petition was disposed of at the admission stage by an order dated 16.11.1998 directing the reconsideration of their claims.

8. On the ground that the claim was not reconsidered, the petitioner in W.P.No.1871 of 2017 filed a writ petition in W.P.No.18248 of 1999. In the said writ petition, an order was passed on 04.10.1999 directing the District Judge to send proposals to the High Court for relaxation of the educational qualifications. Proposals were sent. On the proposals, the High Court took a decision to recommend relaxation to the Government. But the Government seems to have not granted the relaxation. In such circumstances, it is claimed that one more writ petition by the petitioner, was not maintainable.

9. Insofar as W.P.No.20441 of 2018 is concerned, it is claimed in the counter affidavit filed by the District Judge that the High Court issued a circular dated 06.01.2004 directing all the unit heads to consider the cases of qualified fulltime and part time masalchies, who had put in 15, 10 or 5 years of service. It was also mentioned that any relaxation relating to age or educational qualifications can only be recommended to the Government as it was not within the power of the High Court to relax the rules. Unfortunately, the petitioner did not fulfill the qualification and the recommendation for

relaxation did not receive any positive response from the Government. Therefore, it is claimed that no relief can be granted to the petitioner.

10. In short, the stand taken by the Registry is that the judgment of the Supreme Court to treat part time and fulltime masalchies as per different orders of the Government had attained finality and that it is not within the purview of the High Court to grant relaxation of the qualifications prescribed.

11. As a matter of fact, this Court had an occasion to consider a similar claim in W.P.No.41594 of 2015. By an order dated 11.10.2017, this Court directed the Registry of the High Court to consider the cases of all similarly placed employees. But it appears that the First Committee of the Court considered the case of all the employees and expressed its inability to do any thing.

12. This very Bench had an opportunity to consider the case of another employee in W.P.No.35527 of 2016. In that case, the petitioner had acquired the necessary qualification subsequent to the circular dated 06.01.2004 issued by the High Court. She passed 7th standard in April 2004, three months after the first circular dated 06.01.2004. But the first circular was superseded by another circular dated 26.07.2004. By this time, the petitioner in that writ petition got qualified. Hence relief was granted by this very same bench to the petitioner therein. But the cases on hand differ from that case.

13. In essence, this Court considered the cases of persons like the petitioners sympathetically and even recommended relaxation of age and other qualifications. But the power of relaxation

was not exercised in favour of similarly placed persons. Therefore, no relief can be granted to the petitioners in the light of what had happened to other similarly placed employees. Hence the writ petitions are dismissed. There will be no order as to costs.

14. As a sequel, the miscellaneous petitions pending in this writ petition, if any, shall stand closed.

V. RAMASUBRAMANIAN, J.

J. UMA DEVI, J.

31st December, 2018

Js.



**HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HONOURABLE MS. JUSTICE J. UMA DEVI**

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(Per VRSJ)



31st December, 2018

Js.