APHC010432032021

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

WEDNESDAY ,THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 26245/2021

Between:

Yalla Srirama Venkata Sankara Jogarao and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. SRINIVASA RAO NARRA

Counsel for the Respondent(S):

1. S PARINEETA
2. GP FOR EDUCATION
3. .

The Court made the following:

ORDER:-

Heard Sri Srinivasa Rao Narra, learned counsel for the petitioners and learned Government Pleader for Education.

2. The writ petition is filed seeking following relief:

"….to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus directing the respondent authorities for continuation of the Petitioners in the aided posts as Adhoc/Part-time lecturers and also order for their regularization of their employment in terms of judgment rendered in Secretary, State of Karnataka and Ors. v. Uma Devi and Ors. passed by the Hon'ble Supreme Court dated

10.04.2006 and consequently order the respondent authorities for the continuation of the Petitioners with the same position as Adhoc/part-time lecturers without affecting their services and pass such other necessary order or orders…"

3. The writ petitioners were appointed as lecturers in 7th respondent college, on adhoc/part-time basis in aided post. It is contended that they have been working on a meager salary since the beginning and that they have every qualification to be absorbed into service in terms of decision of the Apex Court in the case of ***Secretary, State of Karnataka and Ors. Vs. Uma Devi and Ors***. The respondent college is an aided institution. With the introduction of G.O.Ms.No.42 dated 10.08.2021, the Government has absorbed the aided staff of the college into the Government college. It is further contended that the G.O.Ms.No.42 dated 10.08.2021, as a result, the petitioners who were appointed in an aided post on an adhoc basis/part-time basis have been affected adversely. The adhoc lecturers and staff of the private aided colleges are neither here and there. And the 7th respondent college is no longer an aided institution. Aided lecturers have been surrendered to the Government. It is prayed for continuation of the petitioners as adhoc/part-time lecturers and consider their case for regularization in terms of the decision of the Apex Court in the case of ***Secretary, State of Karnataka and Ors. Vs. Uma Devi and Ors***. He further relies on the decision of this Court in W.P.No.9149 of 2021.

4. The respondents have filed counter affidavit. It is contended that the appointments in Government service should invariably by following the procedure. They were appointed by college committee resolutions. The

appointments of the petitioner are not through selection procedure and that they have not put in 10 years of service as on 10.04.2006. It is further contended that in terms of G.O.Ms.No.42, the 7th respondent college has voluntarily surrendered the aided staff into Government as the petitioners are not aided employees and they are working as un-aided part-time lecturers, they can only continue as part-time un-aided employee in the 7th respondent college. The learned Government pleader relies on the decision of the Division Bench of this Court in W.A.No.1193 of 2023 and batch.

5. Considered the rival submissions.

6. Admittedly, the petitioners were appointed as adhoc/part-time lecturers without following the selection procedure. The 7th respondent college may have had aided vacancies at the time of the appointment of the petitioners. The petitioners may have been appointed in aided vacancy, unless their appointment is through a selection procedure as directed by the Apex Court, the question of regularisation would not arise since none of them had 10 years of experience as of 10.04.2006. The Hon'ble Apex Court has categorically observed and directed the management to regularise the irregularly appointed employees as a one-time measure. There should not be further bypassing of the constitutional requirement and regularizing or making permanent those not duly appointed as per the constitutional scheme. The decision of the Hon'ble Apex Court relied upon by the petitioner in the case of ***Jaggo Vs. Union of India &Ors.,*** would not be applicable in the facts of the case, since the petitioners have not put in 10 years of service as on

10.04.2006. In light of the same, the relief sought by the petitioner for regularization would not arise. With regard to the relief of continuation as adhoc/part-time lecturers, since the salaries of petitioners as contended by the petitioners have been all the while been paid from the aided account of the college, in view of the takeover of the aided staff of the 7th respondent college by the Government, having regard to the petitioners service in the 7threspondent college, the respondents are directed to post the petitioners herein, in any of the Government/aided colleges within the district as adhoc/part-time lecturers.

7. With the above observations, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, pending if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date:02.04.2025
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THE HON'BLE SMT JUSTICE KIRANMAYEE MANDAVA

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