Date of reserved for orders : 05.10.2026
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APHC010390322023

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 20096 OF 2023

Between:

1. NAKKA VENKATA LAKSHMI, (PH) W/o late Nakka Raju Babu, aged 43 years, D.No. 10-56-20, Ramnagar, Nehru Nagar, Visakhapatnam (Urban), Maharanipeta, Visakhapatnam- 530002.

2. Joreegala Nagamani (PH), , D/o Joreegala Apparao, aged 37 years, D.No. 50-65-21/11, Kanakamma Vari Street, Seethammapeta, Anganvadi Community Hall, Visakhapatnam (Urban), Akkayyapalem,Visakhapatnam 530016.

3. Gorrupotu Chellayamma, W/o Gorrupotu Govinda, aged 37 years, D.No. 4-116, Vavilapadu, Vepada Mandalam, Vizianagaram District-535281.

4. Allu Prabha,, W/o Sureddi Mutyala Naidu, aged 29 years, r/o Bheemaboinapalem, Makavarapalem Mandalam, Visakhapatnam-531113.

5. Dommeti Padmavathi,, D/o Late Dommeti Narayana Swami, aged 33 years, D.No.40-10-19/1-1, Dharma Nagar, Kancharapalem, Visakhapatnam (Urban), Visakhapatnam -530008.

6. Ullam Srilatha,, W/o Ramesh Babu, aged 37 years, D.No.2-6-53, Sector 9, Fisherman Colony. M V P Colony, Visakhapatnam (Urban), PO. L B Colony, Visakhapatnam (Urban)-530017.

7. Pithana Mahalakshmi, d/o Late Pithana Murthy, aged 37 years, D.No.19-16-12-1, RH Colony Nellimukku, Pedagantyada Post, Visakhapatnam -530044.

8. Pyla Kanakamahalakshmi,, W/o Pyla Krishna, aged 38 Years, r/o SC Colony, Anandapuram Mandalam, Tarluvada, Visakhapatnam-530052.

9. Jangala Varalakshmi, W/o Jangala Adappadu, aged 40 years, D.No.1- 80, Anandapuram Mandalam, Tarluvada, Visakhapatnam-530052

10. Kakkala Chinna Apparao, S/o Kakkala Apparao, aged 33 years, D.No.3-42-1, Godicherla, Nakkapalli Mandalam, Godicherla, Visakhapatnam -531126.

11. Bankuru Rambai, W/o Bankuru Ramu, aged 49 years, Block No.139, SF-5, M-16, 2nd Floor, Rajeevgruhakalpa, Marikavalasa, Kommadi, Madurawada, Visakhapatnam -530048.

12. Gandubariki Sunitha, D/o late Gandubariki Venkata Rao, aged 32 years, D.No.3-78, Nagendra Colony, Kothapalem, Visakhapatnam (Urban), Gopalapatnam,Visakhapatnam -530027.

13. Pusarla Srinivasa Rao, S/o Pusarla Veerababu, aged 28 years, D.No.4-177, Aratlakota, Aratlakota, Payakarao Peta, Visakhapatnam-531126.

14. Vasimalli Ratna Vara Prasad, S/o late Bala Kotaiah, aged 45 years, D.No. 50-2-11, Gandhi Nagar, Visakhapatnam (Urban), PandT Colony, Visakhapatnam-530013.

15. Dundi Parameswari, D/o Dundi Apparao, aged 44 years, D.No.18-53- 7, Thadi Street, Maharanipeta, Ramalayam, Visakhapatnam(Urban), Maharanipeta, Visakhapatnarn-530002.

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, Rep., by its Special Chief Secretary Health Medical and Family Welfare Department, APIIC Building, Mangalagiri, Guntur District, Andhra Pradesh

2. The Principal Secretary, Finance Department, Secretariat, Velagapudi, Amaravati.

3. The Director of Medical and Health Education, Amaravati, Andhra Pradesh

4. The District Collector, Visakhapatnam.

5. The Superintendent, King George Hospital, Visakhapatnam.

6. The Chief Executive Officer, Aarogyasri, Government of Andhra Pradesh, Mangalagiri 522508, Guntur District

7. The Union of India, Rep., by its Secretary, Ministry of Health and Family Welfare, New Delhi,

...Respondents

Counsel for the Petitioners: P VEERRAJU,V SAI KUMAR

Counsel for the Respondents: GP FOR SERVICES IV

Counsel for the Respondents:GP FOR SERVICES I

Counsel for the Respondents:VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT COUNSEL)

Counsel for the Respondents:K.S.G.PADMAVATHI SC FOR Dr.Y.S.R AAROGYASRI HEALTH TRUST

WRIT PETITION NO: 27398 OF 2023

Between:

1. ODURU BABU RAO, S/o late Kondayya , D.No.19- 27-6/1, Rangreeju Street, PoornaMarket,Visakhapatnain(Urban), Visakhapatnam-530001

...Petitioner

AND

1. THE STATE OF AP, , Rep., by its Special Chief Secretary Health Medical AND Family Welfare Department, APIIC Building, Mangalagiri, Guntur District, Andhra Pradesh

2. THE PRINCIPAL SECRETARY, , Finance Department, Secretariat, Velagapudi, Amaravati.

3. THE DIRECTOR OF MEDICAL AND HEALTH EDUCATION, Amaravati, Andhra Pradesh

4. THE DISTRICT COLLECTOR, Visakhapatnam.

5. The Superintendent King George Hospital, , Visakhapatnam.

6. The Chief Executive Officer, Aarogyasri, Government of Andhra Pradesh, Mangalagiri 522508, Guntur District.

7. The Union of India, rep., by its Secretary, Ministry of Health and Family Welfare, New Delhi.

...Respondents

Counsel for the Petitioner: P VEERRAJU

Counsel for the Respondents: GP FOR SERVICES IV

Counsel for the Respondents:GP FOR SERVICES I

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No. 20096 and 27398 of 2023

COMMON ORDER:

These two writ petitions are filed seeking to declare the action of the 5th respondent in issuing proceedings dated 17.07.2023, terminating the services of the petitioners with effect from 16.08.2023 as illegal and arbitrary.

2. Brief facts of the case are that:

Petitioners in W.P.No. 20096 of 2023 were appointed as Rogi Mitras and petitioner in W.P.No.27398 of 2023 was appointed as Shoe maker by the 5th respondent Hospital on 19.03.2012 and 19.03.2005, on a consolidated pay of Rs.2,500/- and Rs.4,000/- per month respectively, through District Selection Committee. As per the programme formulated for Rogi Mitra employees, persons aged between 25 and 50 years alone were eligible for appointment. They were provided with one tiffin item, lunch and dinner at the Hospital, apart from the consolidated pay of Rs.2,500/- per month. They were also required to wear a distinct uniform or scarves during working hours. Their services were utilised in three shifts, namely, from 8.00 AM to 2.00 PM, from 2.00 PM to 8.00 PM and from 8.00 PM to 8.00 AM. Thus, the Rogi Mitras were required to render services during the day and night in almost all the departments of the 5th respondent Hospital. Whereas, the post of shoe maker is formulated to attend duties, such as, making

surgical shoes and making belts etc. Thereafter, their consolidated pay was enhanced from time to time, and the Roghi Mitra and Shoe Maker are presently being paid Rs.6,000/- and Rs.9,000/- per month respectively. Petitioners contend that they have been continuously rendering services for the welfare and betterment of the Hospital for so many years. While so, 5th respondent issued proceedings dated 17.07.2023 and displayed a notice on the notice board stating that their services would be terminated with effect from 16.08.2023, without following due process of law. Hence, the present writ petitions.

3. Case of petitioners is that respondent Government, being a model employer, ought to have considered that their sudden removal from service would deprive them of their livelihood and the impugned order is in violation of principles of natural justice. If the same is implemented, the same would drive them to starvation and vagrancy. Hence, they approached this Court seeking to set aside the impugned order, and consequently direct the respondents to continue their services in the 5th respondent Hospital, with all consequential and attendant benefits.

4. Respondents filed counter-affidavit denying the averments made in the writ petition contending that no notification was issued or no advertisement was published for their recruitment. Though the appointments were stated to have been made through the District Selection Committee,

the merit list and roster points were not followed. The post of Rogi Mitras and Shoe Maker are neither a designated posts nor sanctioned posts, and the petitioners were not appointed against any posts within the cadre strength of King George Hospital. It is further contended that, vide G.O.Ms.No.120, dated 22.10.2019, Government issued directions prohibiting payment of salaries from the Hospital Development Society Fund. However, pursuant to the orders of the District Collector and Chairman of the Hospital Development Society, King George Hospital, Visakhapatnam, salaries of the petitioners were paid from Aarogyasri funds from July 2016 to 16.08.2023. On 11.07.2023, the Special Chief Secretary to the Government, Health, Medical and Family Welfare Department, had issued instructions stating that no manpower to be hired and no payment could be made from the Hospital Development Society Fund and Aarogyasri funds. In view of the said instructions, services of the petitioners were dispensed with effect from 16.08.2023 vide proceedings dated 17.07.2023, as their salaries could no longer be paid from either of the aforesaid funds. Though interim order was passed by this court, respondents are not in a position to admit them into duties due to lack of funds as it would be a huge financial burden to the 5th respondent.

5. Respondents also filed an additional counter-affidavit in W.P.No.20096 of 2023 stating that, as there was no provision for

reappointment of petitioners in the 5th respondent Hospital, Hospital authorities had proposed to provide them with alternative engagement on an outsourcing basis through a third-party agency. Accordingly, proceedings dated 16.10.2023 were issued, calling upon the petitioners to communicate their willingness within seven days. It is further submitted that, under the proposed arrangement, petitioners would receive higher pay than what they were drawing earlier. However, petitioners did not come forward to accept the said offer. Respondents further contended that petitioners had been engaged under the Aarogyasri Scheme and that, in the absence of any provision for payment of salaries to them under the said Scheme, their services could not be continued, as such, respondents have acted strictly in accordance with orders and administrative instructions and petitioners have no vested right to seek continuation of their services, particularly as their engagement was not against any sanctioned posts and no funds had been allocated for continuing such engagement in view of the Government instructions.

6. Heard Sri P.Veera Raju, learned counsel for petitioners and Sri K.Varun Shyam Kumar, learned Assistant Government Pleader for appearing for respondents and Sri K.Hemanth Kumar, learned Standing Counsel for NTR Vaidya Seva Trust.

7. Learned counsel for petitioners submits that petitioners have been continuously rendering services for more than eleven years, as such, their long and continuous service itself demonstrates the necessity of engaging employees in the said category and dispensing with their services is highly arbitrary, particularly when they were appointed through the District Selection Committee. Therefore, their appointments cannot be treated as illegal.

8. Learned counsel for petitioners placed reliance on the judgment of the Hon'ble Apex Court in ***Jaggo v. Union of India***[1] and ***Narendra Kumar Tiwari v. The State of Jharkhand***[2]**,** and submitted that, in view of petitioners' continuous service for more than ten years, it cannot be contended that no sanctioned posts are available. It is further submitted that, when the nature of work is perennial, petitioners are entitled to regularisation of their services. Learned counsel further submitted that the regularisation rules must be given a pragmatic interpretation and petitioners' cases ought to have been considered for regularisation, having completed ten years of service.

9. Considered the submissions made and perused the record.

[1] 2024 SCC OnLine SC 3826
[2] (2018) 8 SCC 238

10. Judgments relied upon by the petitioners is not applicable to petitioners' case as the case of petitioners is not for regularisation of their services, their cases are only for the purpose of continuation of petitioners as Rogi Mitras/Shoe Maker under the Aarogyasree scheme and the posts that the petitioners are working are not sanctioned posts and the Government had instructed not to utilize the funds of Aarogyasri or Hospital Development Society, as such, the respondents have no other option except to dispense with their services.

11. The contention of the petitioners that they were appointed by following the procedure contemplated under law through the District Selection Committee is denied by the respondents, and contend that no rule of reservation was followed and the appointments were made without issuing any notification or publication and without following the prescribed procedure. However, petitioners have not placed any material on record to establish that their appointments were made by following the prescribed selection procedure and the rule of reservation. In the absence of such material, the contention that the petitioners were appointed by following the procedure contemplated under law cannot be accepted.

12. It is an admitted fact that the petitioners were engaged as Rogi Mitras/Shoe Maker under the Aarogyasri Scheme. The respondents have

contended that there is no provision for payment of remuneration to the petitioners under the said Scheme or from the Hospital Development Society Fund, in view of the Government orders and administrative instructions. In such circumstances, respondents have dispensed with the services of the petitioners after issuing one month notice. However, in the additional counter-affidavit filed by the respondents in W.P.No.20096 of 2023, respondents have proposed to provide an alternative engagement on outsourcing basis through a third-party agency for some other purposes, subject to their willingness. Accordingly, proceedings dated 16.10.2023 were issued, calling upon the petitioners to communicate their willingness within seven days. However, petitioners have not expressed their willingness to avail themselves of the said offer. Though the additional counter-affidavit was filed only in W.P. No. 20096 of 2023, the benefit of the alternative engagement offered therein if the same is still available shall be extended to the petitioner in W.P. No. 27398 of 2023, as they are similarly situated employees engaged under the same scheme and by the same respondent authority and governed by the same set of circumstances.

13. For the reasons mentioned above, case of the petitioners cannot be considered for continuation as there is no provision for the 5th respondent to pay salaries for their services. In the said circumstances, I do not see any merit in these writ petitions.

14. In view of the foregoing reasons, both with petitions are dismissed. If at all petitioners are interested to avail the offer made by the 5th respondent regarding engagement of petitioners' services as outsourcing employees for any other purpose, they can approach the 5th respondent, and the 5th respondent may utilize their services, if any such need or necessity exists.

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

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JUSTICE BALAJI MEDAMALLI

Date: 04.11.2026

Dvs

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable		Non-reportable	☑

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No. 20096 and 27398 of 2023

Date: 04.11.2026

Dvs