APHC010582232024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT APPEAL NO: 2 OF 2025

Between:

1. D B RAJA BABU, S/o Malleswara Rao, Aged about 59 years, Occ Tracer, NTR University of Health Sciences, Vijayawada, R/o D.N0.48-13-17GFF212, Sun and Moon Heights, Sri Ramachandra Nagar, Vijayawada- 8..

...Petitioner

AND

1. THE STATE OF AP, Rep. by its Principal Secretary, Medical and Health Department, Secretariat, Amaravathi, Guntur District.

2. Dr NTR University of Health Sciences, Rep. by its Registrar, Vijayawada.

...Respondents

Counsel for the Petitioner: AKULA SRI KRISHNA SAI BHARGAV

Counsel for the Respondents: GP FOR SERVICES IV

Counsel for the Respondents: Tata Venkata Sridevi,Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following:

THE HONOURABLE SRI JUSTICE D RAMESH

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT APPEAL No.2 of 2025

JUDGMENT: (*Per* Hon'ble Sri Justice D.Ramesh*)*

The present intra-court appeal is filed against the orders dated 09.12.2022 passed in W.P.No.17114 of 2002 by the learned Single Judge.

2. In fact, W.P.No.17114 of 2002 was filed for the following relief:

> "….to (i) issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not regularizing my services in the post of Tracer w.e.f., 5-2-1989 as wholly illegal, arbitrary and unconstitutional and violative of article 14 and 16 of constitution of India, (ii) direct the respondents to regularize my service as tracer w.e.f., 5-2-1989 and also direct the respondents to grant all consequential benefits including the seniority promotion etc, (iii) declare that the action of the respondents in converting the Technical post of Ministerial post as beyond its competency, without jurisdiction wholly illegal, arbitrary, unconstitutional and violative of Article 14 and 16 of constitution of India…."

3. After considering the matter, based on the conditions stipulated in G.O.Ms.No.212, dated 22.04.1994, the writ petition has been dismissed holding that the petitioner has not fulfilled the condition of five years experience as on the date of 25.11.1993. The other aspects were not in dispute. Thus, only on the ground of non-fulfilling the condition stipulated in G.O.Ms.No.212, the learned Single Judge has dismissed the writ petition.

4. Learned counsel appearing on behalf of the appellant/petitioner has placed on record certain material, which requires for consideration of the case of the appellant. The material includes a memo dated 19.06.1997 issued by the Principal Secretary to Government, Health, Medical and Family Welfare Department directing the University to take appropriate action in terms of the orders passed by the High Court in W.P.No.261 of 1995 and other writ petitions, wherein the Court has directed to consider the cases of the petitioners for grant of time scales of pay. Based on the said memo, the 2nd respondent – University has also opened the service register of the appellant/petitioner on 01.07.1998. In the said circumstances, as per the observations made by the Hon'ble Apex Court in

Secretary, State of Karnataka v. Umadevi [1] , particularly paragraph No.53 thereof, learned counsel contends that the appellant/petitioner is entitled for regularization of his services, as he has completed more than ten years of service as on the date of the said judgment. Paragraph No.53 of the judgment reads as follows:

> *"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in* ***State of Mysore v. S.V. Narayanappa***[2]*,* ***R.N. Nanjundappa v. T.Thimmiah***[3]*, and* ***B.N. Nagarajan v. State of Karnataka***[4]*, and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure*

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[1] (2006) 4 SCC 1
[2] (1967) 1 SCR 128
[3] (1972) 1 SCC 409
[4] (1979) 4 SCC 507

that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme."

5. Learned counsel has specifically contended that though the appellant is not fulfilled the conditions stipulated in G.O.Ms.No.212, as per the observations made by the Hon'ble Apex Court in the above referred judgment, when there are vacant sanctioned posts and the persons qualified are working in the said posts for more than ten years, their cases may be considered as one-time measurement for regularization. But, the 2nd respondent – University has not implemented the said order by considering the case of the appellant for regularization as he has completed ten years of service as on the date of the judgment. The fact remains that till today the appellant is working in the 2nd respondent – University and though he has been granting regular time scale along with increments, his case has not been considered for regularization. Hence, learned counsel

requested to consider the case of the appellant in terms of paragraph No.53 of the judgment in ***Umadevi***'s case (supra 1).

6. Considering the said submissions, the Writ Appeal is disposed of directing the respondents to consider the case of the appellant in terms of the observations made by the Hon'ble Apex Court in paragraph No.53 of the judgment in ***Umadevi***'s case (supra 1) and pass appropriate orders based on record within a period of three (3) months from the date of receipt of a copy of this judgment. There shall be no order as to costs.

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

JUSTICE D.RAMESH

JUSTICE BALAJI MEDAMALLI

Date: 02.11.2026
Ivd

Whether the order is:

Speaking	Yes	Reasoned	No
Reportable	No	Non-reportable	Yes

THE HONOURABLE SRI JUSTICE D RAMESH

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT APPEAL No.2 of 2025

Dated: 02.11.2026

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