APHC010222372025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3575]**
(Special Original Jurisdiction)

WEDNES DAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

WRIT APPEAL No: 591 of 2025

Between:

1. THE REGISTRAR DR Y S R HORTICULTURAL UNIVERSITY, DR Y.S.R HORTICULTURAL UNIVERSITY, ADMINISTRATIVE OFFICE, VENKATARAMANNAGUDEM, TADEPALLIGUDEM-534 101, WEST GODAVARI DISTRICT.

...APPELLANT

AND

1. NELLI STAYANARAYANA, S/O N.VEERAIAH, AGED ABOUT 48 YEARS, OCC TIME SCALE WORKER, O/O PRINCIPAL SCIENTIST (HORT) AND HEAD, HORTICULTURAL RESEARCH STATION, AMBAJIPETA-533214, EAST GODAVARI DISTRICT.

...RESPONDENT

CORAM:- THE HONOURABLE THE CHIEF JUSTICE Mrs.LISA GILL
THE HONOURABLE Mr. JUSTICE NINALA JAYASURYA

DATE : 17.06.2026.

Present : Mr.N.B.Chandra Sekhar, Advocate for appellant.

Mr.Srinivas Emani, Advocate for respondent.

Judgment Reserved on : 02.04.2026

Judgment Pronounced on : 17.06.2026

Judgment Uploaded on : 19.06.2026

The Court made the following judgment : *(Per Hon'ble Justice Ninala Jayasurya)*

1. The present writ appeal is filed against the order of learned Single Judge dated 09.01.2025 in W.P.No.12879 of 2014.

2. The respondent / writ petitioner joined in the appellant-University as a Casual Labour in the year 1992. He worked as such for about 16 years and thereafter continued as Time Scale Worker from 2008 onwards. In the *interregnum,* he obtained degree in Bachelor of Arts i.e., B.A., passed English Type Writing (Lower Grade) and obtained Certificate in Post Graduate Diploma in Computer Applications (PGDCA). He made a representation dated 20.09.2013 to the University seeking regularization of his services as Junior Assistant-cum-Typist. Aggrieved by rejection Proceedings dated 18.03.2014, he filed the above said writ petition. No counter-affidavit was filed on behalf of the University. By the date of disposal of writ petition, he has put in 33 years of service in the University.

3. Learned Single Judge after appreciating the matter, directed the University to regularize the services of the respondent / writ petitioner in the cadre of Junior Assistant or an equivalent post. It was also ordered that the writ petitioner is not entitled to any back wages and order of regularization and actual service benefits shall take effect from the date of passing regularization order, though services of the writ petitioner shall be considered from the date when the time scale was extended to him for notional seniority purposes only.

4. The University aggrieved by said order, filed this appeal with a delay of 55 days which is condoned *vide* separate order.

5. Learned counsel for appellant-University while not disputing the writ petitioner's initial appointment as Casual Labour in the University in the year 1992 and continuation of services as Time Scale Worker from 2008 onwards, made submissions to the effect that the order of learned Single Judge is not valid and unsustainable. He submits that writ petitioner has not completed continuous service of five years as on 25.11.1993 i.e., cut off date in terms of G.O.Ms.No.212 dated 22.04.1994 and the University, is therefore, justified in rejecting representation for regularization of service as Junior Assistant-cum-Typist. Further, the writ petitioner applied for the said post by Direct Recruitment, but the same was rejected as he was over age. Elaborating the said submission, learned counsel states that as per the said Notification, age prescribed as on 01.07.2010 should be between 18 and 39 years with upper age limit relaxable by five years in case of SC/ST and BC candidates, whereas, age of writ petitioner was 45 years as on the date of Notification. It is also contended that a junior of writ petitioner, one Mr.K.Naga Malleswara Rao was appointed through selection process, not by way of regularization. The order of learned Single Judge was sought to be set aside on the said grounds.

6. On the other hand, learned counsel for respondent / writ petitioner made submissions to sustain the order under appeal. He submits that taking into account that writ petitioner rendered 17 ½ years of service as on 31.12.2009, the then Registrar *vide* Communication dated 31.12.2009 sought permission from the Government to appoint the writ petitioner and others qua vacant posts of Junior Assistant-cum-Typist under ICAR schemes since the University is newly established and it needs huge man power for smooth

running. Relying on the decisions of the Hon'ble Supreme Court in **Jaggo v. Union of India & Ors.,** [1] and **Pawan Kumar & Ors., v. Union of India & Ors.,**[2] he seeks dismissal of the appeal as there is no illegality in the order passed by learned Single Judge.

7. This Court has considered the submissions made by the counsel on both sides and perused material on record.

8. At the outset, it is pertinent to reiterate that writ petitioner / 1st respondent is working in the appellant-University for the last 33 years. He joined as a Casual Labour in the year 1992. From 2008 onwards, he is working in the University as Time Scale Worker. It is also not in dispute that his initial appointment was not illegal and that he possess requisite qualifications for holding the post of Junior Assistant-cum-Typist. No material is placed on record which would indicate that he is not discharging his functions satisfactorily or that he is visited with major punishments. It is also not the case of appellant-University that services of the petitioner are being continued in view of some orders passed by the Court or any other Tribunal. Against the back drop of these admitted facts, arguments advanced on behalf of the appellant-University does not hold water.

9. From a perusal of the order impugned in the writ petition, it is discernible that request for regularization was not rejected on the ground that writ petitioner is age barred. The rejection is on the ground that he has not completed 5 years as on 25.11.1993 in terms of G.O.Ms.No.212 dated

[1] 2024 INSC
[2] 2026 Livelaw (SC) 159

22.04.1994. Similar contentions were rejected by a Division Bench of erstwhile High Court for the State of Telangana and the State of Andhra Pradesh in **U.V.S.R.Prasad & Others v. State of Andhra Pradesh.** Against the orders of erstwhile Andhra Pradesh Administrative Tribunal, writ petitioners therein, working as inspectors from the years 1990 approached the High Court. The respondent / State took a stand that as Act 2 of 1994 governs services of the petitioners, unless they satisfy requirements of completing five years of service as on 25.11.1993, they are not entitled to be considered for regularization. Referring to Para No.53 of the Judgment in **State of Karnataka v. Umadevi**[3] and the subsequent decision in **State of Karnataka & Ors., v. M.L.Kesari** [4] which explained true purport of the directions contained in Para No.53 of the Judgment in Umadevi's case, the Division Bench at Para No.16 held as follows:

> "16. It is trite that the law declared by the Supreme Court is binding throughout the country under Article 141 of the Constitution of India. It is noteworthy that by the time the judgment in Uma Devi (1 supra) was rendered, the provisions of Act 2 of 1994 and G.O.Ms.No. 212, dated 22-04-1994, were in existence. The Supreme Court, while denouncing the practice of regularization and absorption of persons, who entered service through backdoors by giving a go-bye to the due procedure prescribed for appointments to public posts, consciously ordered for onetime absorption/ regularization of those, who were working for a period of not less than 10 years. It has given directions in this regard to all the State Governments and also Union of India. The Supreme Court is presumed to be conscious of various State enactments such as Act 2 of 1994 and executive orders such as G.O.Ms.No. 212, dated 22-04-1994, while giving directions in Para No. 53 of the judgment in Uma Devi (1 supra). But still, it has not made any exception in favour of the States where State enactments banning regularization/absorption exist. Therefore, Act 2 of 1994 and G.O.Ms.No. 212, dated 22.04.1994, do not whittle down the width and the judgment in A.Manjula Bashini vs. The Managing Director, A.P.Womans Cooperative Finance Limited (2 supra) does not lower the trajectory of the directions issued by the Supreme Court in Para 53 of its judgment in Uma Devi (1 supra). It is, therefore, not permissible for the respondents to take shelter under Act 2 of 1994 and G.O.Ms.No.212, dated 22- 04-1994, to deny regularization to the petitioners, who

[3] 2006 (4) SCC
[4] 2010(9) SCC 247

> have, admittedly, satisfied the criteria laid down in Para No. 53 of the judgment in Uma Devi (1 supra)."

10. Division Bench accordingly allowed the writ petition with directions to the respondent for regularization of services of the petitioners, subject to their satisfying the criteria laid down in Uma Devi's case. The Special Leave Petition (Civil) Diary No(s).15327 of 2018 filed against the decision of the Division Bench was dismissed on the facts of the case *vide* order dated 07.05.2018.

11. In **Vinod Kumar and Others v. Union of India**[5]**,** the Hon'ble Supreme Court held that procedural formalities cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service.

12. In **Jaggo's case** referred to supra, the Hon'ble Supreme Court while examining the issue of regularization on various facets, more particularly in the light of the decision in **Umadevis' case,** set aside the order passed by High Court of Delhi whereby the order of the Central Administrative Tribunal dismissing the Original Application of the appellants seeking regularization of their services was confirmed. It is profitable to extract the relevant paras of the judgment for ready reference:

> "20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis

[5] 2024 INSC 132

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> 26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades."

13. In the light of the above factual legal position, this Court finds no reason to interfere with the order under challenge. Hence, the appeal is dismissed, however, without costs.

Consequently, pending Miscellaneous Applications in the Writ Appeal, if any, are dismissed accordingly.

(LISA GILL)
CHIEF JUSTICE

(NINALA JAYASURYA)
JUDGE

Date: 17. 06.2026
BLV

HON'BLE THE CHIEF JUSTICE Mrs. JUSTICE LISA GILL

HON'BLE Mr.JUSTICE NINALA JAYASURYA

W.A.No: 591 OF 2025

Date: 17.06.2026

BLV