



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

[3506]

WEDNESDAY ,THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

**WRIT PETITION Nos.4222, 4221, 4223, 4234, 4239, 4242, 4243 &
6320 OF 2023**

Between:

Duvvi Vinay Satya Kumar and others

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.K BHEEMA RAO

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

HON'BLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION Nos.4222, 4221, 4223, 4234, 4239, 4242, 4243
& 6320 OF 2023

COMMON ORDER:

All these writ petitions raise common issue that of non-regularization of services in the cadre of Typist for not possessing technical qualification of Typewriting Telugu Higher Grade, therefore, the same are heard and disposed together.

2. Heard Sri K.Bheema Rao, learned counsel for petitioners in W.P. Nos.4222, 4221, 4223, 4234, 4239, 4242 & 4243 of 2023, M/s.Leo Law Associates, representing for petitioner in W.P. No.6320 of 2023 and Sri Raju, learned Assistant Government Pleader for Services – I, representing the respondents.

3. W.P. No.4222 of 2023 is treated as lead case for the purpose of deciding these matters. Aforesaid writ petition is filed seeking following relief:

“to declare the action of the respondents in not regularizing the services of the petitioner in the cadre of Typist and not release the periodical increments other benefits despite of possessing technical qualifications such as Typewriting

Higher Grade Telugu as well as English including Advanced Diploma Computer Application course on the untenable grounds that the petitioner not acquired the Typewriting qualifications within prescribed period mentioned in his appointment order and belatedly acquired said qualification is as highly illegal, arbitrary, discriminatory and contrary to the Divisional Bench Judgment of this Hon'ble Court in W.P. No.11321/2019, dated 14.08.2019 in the same subject matter and contrary to various GOs issued by the Government and consequently direct the respondents to regularize the services of the petitioner with effect from his date of joining into duty as Typist with all consequential benefits without taking account of passing Typewriting Qualifications beyond prescribed period and pass such other orders."

4. (a) Petitioner in the aforesaid writ petition possessed P.G. Diploma in Computer Applications (PGDCA), which he acquired in the year 2012. Petitioner has been appointed as Typist in the office of Tahsildar, Paderu, in the existing vacancy on compassionate basis by proceedings Rc.No.627/2012/A2, dated 18.05.2013, issued by 2nd respondent. In terms of aforesaid appointment, petitioner had to fulfill various conditions, one of the same being that of acquiring Typewriting Telugu Higher Grade within two years from the said date of appointment. Petitioner came to acquire

aforesaid technical qualification of Typewriting Telugu Higher Grade only on 29.12.2021. As petitioner has not acquired aforesaid technical qualification, period of probation was not declared, and therefore, the services of the petitioner have not been regularized.

(b) Petitioner seek relaxation of the requirement of possessing Typewriting Telugu Higher Grade by placing reliance on G.O.Ms.No.116, General Administration (SER.B) Department, dated 29.02.2008, G.O.Ms.No.68, Finance (Admn.III) Department, dated 11.03.2010 and G.O.Ms.No.78, Finance (Admn.III) Department, dated 25.03.2010, issued by 1st respondent wherein various similarly situated persons who were appointed on compassionate ground were regularized in service upon relaxing the requirement of passing Typewriting Telugu Higher Grade. Petitioner also claims that in view of acquisition of technical requirement of Typewriting Telugu Higher Grade, petitioner's services are to be regularized by declaration of probation.

5. (a) 3rd respondent filed counter on behalf of respondents inter alia stating that as per G.O.Ms.No.612, General Administration (Services – A) Department, dated 30.10.1991 r/w

G.O.Ms.No.969, General Administration (Services.A) Department, dated 27.10.1995, petitioner is required to acquire Typewriting Telugu Higher Grade within a period of two years as extended by two more years, which is a pre-condition, failing which due to lack of possessing prescribed qualification attached to the post of Typist, he/she has to be appointed in lower post, therefore, merely because petitioner has acquired the technical qualification at later point after the prescribed period would not entitle claiming for regularization.

(b) It is further stated that even otherwise in terms of G.O.Ms.No.151, General Administration (Services-G) Department, dated 22.06.2004, petitioner is entitled to be considered for regularization from the date of acquiring the qualification as prescribed for the post, therefore cannot claim for regularization from the date of conditional appointment. As the requisite qualification for the post of Typist mandates possessing Typewriting Telugu Higher Grade, which petitioner acquired in the year 29.12.2021, any claim for regularization prior to that would be contrary to aforesaid G.O.

(c) It is also stated that the petitioner without exhausting the inhouse mechanism of redressal by appealing to higher authorities has straight away approached this Court and further that the benefit as extended to persons appointed on compassionate basis under G.O.Ms.No.116, dated 29.02.2008, cannot be extended to petitioner inasmuch as the benefit extended therein was confined only to those appointed between 05.03.1987 and 14.07.1998 and as in the present case, petitioner was appointed in the year 2013, he is not entitled to claim parity claiming to be discriminatory.

6. The facts in other writ petitions are more or less similar. For better understanding and appreciation, the details of date of appointment and acquisition of the technical qualification, besides additional qualifications, are set out here under:

S.No.	Case Number (WP)	Date of Appointment	Date of Acquisition of Technical Qualification	Date & Details of additional Qualification Acquired
1	4222/2023	18.05.2013	29.12.2021	PGDCS/2012
2	4221/2023	05.06.2013	29.12.2021	PGDCA/2012
3	4223/2023	05.06.2013	27.07.2022	B.Com/MBA
4	4234/2023	02.05.2013	09.04.2018	MCA/2018

5	4239/2023	30.12.2014	27.07.2022	PGDCA/2013
6	4242/2023	18.02.2012	27.07.2022	PGDCA/2005
7	4243/2023	05.06.2013	27.07.2022	PGDCA/2008
8	6320/2023	18.05.2013	Not passed	MCA/2011

7. (a) Learned counsels for petitioners contend that all the petitioners have the additional qualification of B.Com.(Computers)/ PGDCA/MCA, the same itself would suffice to test their skills in operating the systems with proficiency in handling any keyboard and inasmuch as in the current day dynamics, most of the offices are handling and equipped with only personal computers but not typewriting machines, aforesaid additional qualification would meet the criteria of possessing technical qualification of typewriting. It is further contended that even otherwise, except for petitioner in W.P. No.6320 of 2023, all others have acquired the technical qualification of Typewriting Telugu Higher Grade at later point in time as mentioned in the above table, though beyond the prescribed period of time. Inasmuch as the petitioners have been discharging the duties of Typist with utmost satisfaction, and without any complaint whatsoever with respect to their operating and executing skills since their date of appointment, and on the

pretext of non-possessing the same at relevant point of time, the respondents cannot deny petitioners' regularization.

(b) It is further contended that as the 1st respondent itself found and recognized that there is an acute problem of training institutes and infrastructure, imparting training for acquiring the aforesaid qualification, basis issuing G.O.Ms.No.116, dated 29.02.2008, cannot insist petitioners to acquire the special skills, which would be in sheer discrimination.

(c) Learned counsel for petitioners submit that similar issue of regularization of compassionate appointees who either failed to secure the technical qualification or secure belatedly beyond the grace period has been considered by Division Bench of this Court in W.P. No.11321 of 2019, later followed by Coordinate Bench of this Court in W.P. No.17966 of 2020 and W.P. (AT) No.233 of 2021, therefore, the issue is no more res integra, hence the relief claimed in the present writ petitions has to be granted in terms of aforesaid judgments.

8. Per contra, learned Assistant Government Pleader contended that as G.O.Ms.No.612, dated 30.10.1991 and G.O.Ms.No.969, dated 27.10.1995, categorically provided that in

case the candidate concerned failed to acquire requisite educational qualification or typewriting qualifications within the extended grace period, then he/she would be considered for appointment for a lower post, which does not require possessing such qualification, therefore petitioners are not legally entitled to be considered for regularization as admittedly they did not possess such qualification within the extended grace period. He further contended that the benefit under G.O.Ms.No.116, dated 29.02.2008, cannot be extended to petitioners as aforesaid G.O. was confined only to candidates who were appointed between 05.03.1987 and 14.07.1998. Even if petitioners were to be extended aforesaid benefit, petitioners cannot claim regularization from the date of appointment rather in terms of G.O.Ms.No.151, dated 22.06.2004, they are entitled to be considered for regularization of service from the date on which they acquired the qualification.

9. Perused the record and considered the submissions made by learned counsel on both sides.

10. It is not in dispute that all the petitioners in the present writ petitions have been appointed as Typists conditionally on

compassionate basis. The orders of appointment clearly provided that they should acquire Typewriting Telugu Higher Grade within two years from such appointment. Aforesaid appointments were in pursuance to scheme of compassionate appointments as provided under G.O.Ms.No.687, General Administration (SER.A) Department, dated 03.10.1977, r/w G.O.Ms.No.612, General Administration (SER.A) Department, dated 30.10.1991, r/w G.O.Ms.No.969, General Administration (SER.A) Department, dated 27.10.1995.

11. In terms of aforesaid G.Os., the candidates who have been appointed on compassionate basis have to acquire the technical qualification of Typewriting Telugu Higher Grade for the purpose of Typist within a period of two years, which later came to be extended by further period of two years and yet again by one year, meaning thereby one has to acquire aforesaid qualification within a maximum and outer limit of five years from date of appointment. In all except for petitioner in W.P. No.6320 of 2023, petitioners have acquired aforesaid qualification at later point of time, admittedly beyond the outer limit of five years. The respective dates of acquiring the qualification are set out in the table mentioned above.

12. Yet another significant aspect of the matter which needs to be considered would be that petitioners have additional qualification of B.Com.(Computers)/PGDCA/MCA respectively. Though both learned counsels for petitioners and also learned Assistant Government Pleader have raised various pleas in support of their contentions, on perusal of various orders passed by this Court, as placed reliance on by learned counsels for petitioners, this Court apparently has weighed the issue on all aforesaid aspects canvassed and concluded the issue in favour of petitioners. The Division Bench, dealing with a case of person who could not acquire the qualification of Typewriting within time, resulting in him being demoted to the last post of attender, considering similar contentions held as follows:

“It is no doubt true that, pursuant to the unfortunate death of the respondent’s husband, while working as Senior Assistant, the applicant-respondent was initially appointed as a Typist with a condition that she should acquire the necessary qualification in Typewriting within a period of two years from the date of initial appointment. It is also not in controversy that, despite the time granted by the authorities, the respondent herein could not acquire the necessary qualification, as per the said condition. It is not in dispute that the applicant herein is a graduate in Computers and also

possesses PGDCA and also possesses Typewriting English Lower Grade qualification. It is pertinent to note that the State Government granted relaxation in favour of certain class of employees, vide G.O.Ms.No.116, GA (Ser.B) Department, dated 29.02.2008, having noticed the nonexistence of Typewriting training institutions. It is also not in controversy that in 2010 also the Government granted relaxation from acquiring Typewriting qualification in respect of Treasury Department. The Tribunal also noted about the non-existence of Typewriting training institutions and the usage of Computers in all the offices. The reality remains that, apart from the degree qualification in Computers, the applicant possesses PGDCA also. It is not the case of the respondents herein that the applicant has not discharged her duties properly due to the lack of Typewriting Higher Grade qualification.

A perusal of the order passed by the Tribunal, in clear and vivid terms, discloses that the Tribunal, after elaborately and meticulously considering various issues, including the relaxation given by the State Government, by way of the above referred Governmental Orders, and also the present situation, with regard to the non-usage of type machines and the usage of Computers, came to the conclusion that the very insistence of the respondent authorities cannot be sustained.”

13. A Coordinate Bench of this Court in W.P. No.17966 of 2020 examining similar case that whether petitioner therein when sought

to be demoted to the lowest post of office subordinate on the ground that she did not acquire Typewriting Higher Grade in Telugu and English though she was a graduate in Master of Computer Applications (MCA), following division bench judgment referred to above, held as follows:

“10. Contention of the learned Government Pleader is that G.O.Ms.No.116 dated 29.02.2008 was issued in favour of those persons who were appointed between 05.03.1987 and 14.07.1998 and that it cannot be extended to the petitioner. The said contention was dealt with in OA No.1856 2017 and it was held that there are no institutions for training on typewriting machines and as such they cannot raise such an objection. The reasoning in the O.A. was accepted by a Division bench of this Court in the said writ petition. The Government also took a plea in the said writ petition that the notice therein was issued in conformity of G.O.Ms.No.969 dated 27.10.1995, but the said contention was also not accepted by the Division Bench of this Court.

11. Admittedly, petitioner has passed Masters in Computer Applications. Copy of the provisional certificate issued by the JNTU, Kakinada dated 12.03.2012 is also filed before this Court to show that the petitioner has passed MCA examination in June, 2011 in I Class with distinction.

12. In the facts and circumstances, following the judgment of the Division Bench of this Court in WP No.11321 of 2019,

the writ petition is allowed setting aside the impugned notice, as the petitioner possessed a P.G. degree in Master of Computer Applications and the respondents are directed to regularize the services of the petitioner in the cadre of Typist with effect from her date of joining with all consequential benefits, according to her eligibility, without insisting for passing of technical qualifications of typewriting higher grade both in English and Telugu. No order as to costs. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed.”

14. Further, a Coordinate Bench of this Court in W.P.(AT) No.233 of 2021, following aforesaid judgments and directed respondents therein to regularize the services with all consequential benefits.

15. Petitions have been appointed as Typists under the scheme of compassionate appointments in terms of G.O.Ms.No.687, General Administration (SER.A) Department, dated 03.10.1977, r/w G.O.Ms.No.612, General Administration (SER.A) Department, dated 30.10.1991, r/w G.O.Ms.No.969, General Administration (SER.A) Department, dated 27.10.1995. The object with which aforesaid scheme came to be formulated was to protect the family of a government employee dying in harness by appointing his or her dependent as a social security measure in relaxation of applicable rules. However, one of the conditions laid down therein

obligated the appointees to acquire the qualification of Typewriting in Telugu Higher Grade within a span of five years as outer limit, failing which such candidate will have to revert back to the lowest post. Petitioners admittedly possessed the basic qualifications and also had additional qualification of B.Com.(Computers)/ PGDCA/MCA, meaning thereby they were all sufficiently familiar and equipped in dealing with computer systems, which were predominantly used in government offices for discharging day-to-day duties. Aforesaid additional qualifications also enable petitioners with special skills in operating computers besides being familiar and having acquaintance with handling keyboard. In the said context, 1st respondent Government itself has recognized the evolution of computer systems replacing the relevancy of typewriting, besides dearth of typewriting institutes and associated infrastructure facilities for one to get trained, which was at the verge of extinction. G.O.Ms.No.116, dated 29.02.2008, reflected above thought process, which reads as under:

“7. The problem of lack of training institutes in Telugu Shorthand has been observed by the Government and the candidates are not able to get themselves qualified with Telugu Shorthand Higher qualification, because of the lack of such Training Institutes; as a result of which they continue

to remain as probationers, though their juniors have been regularised.

8. Thus, Government have noticed that there is a striking anomalous position with regard to regularisation of the services of Junior Stenographers in the Government of Andhra Pradesh. Prior to 1987, the Junior Stenographers had to acquire a higher grade typewriting and higher grade qualification in shorthand. In the period 1987-98 these qualifications were changed and the individuals were required to obtain Higher Grade in Typewriting and Higher Grade in Shorthand in Telugu. In the revised Andhra Pradesh Ministerial Service Rules, 1998 the rules were once again amended and now they are required to obtain Higher grade Typewriting and Shorthand in the "relevant language".

9. In view of the fact that some of the Junior Stenographers appointed between March 1987 and July 1998 were not qualified under the rules, it has been decided to relax the requirement of passing Telugu Typewriting Higher Grade and Telugu Shorthand Higher Grade for all those individuals.

10. Now, therefore, in exercise of the powers conferred under rule 31 of the A.P.State & Subordinate Service Rules, 1996, the Governor of Andhra Pradesh hereby relaxes the rule 23 of the A.P.Ministerial Service Rules, 1966 in favour of Junior Stenographers who were appointed between 5.3.1987 and 14.7.1998 as to the requirement of passing Typewriting higher grade in Telugu and Shorthand higher

grade in Telugu and their services shall be regularised with effect from the date of their appointment, provided that they have acquired the qualifications prescribed in the A.P.Ministerial Service Rules, 1998.”

16. Above said G.O. recognizes two factors. One depicting lack of training institutes and the other which weighed Government to relax the requirement of passing Telugu Typewriting High Grade. The aforesaid relaxation letter continued yet again in G.O.Ms.No.68, dated 11.03.2010, followed by G.O.Ms.No.78, dated 25.03.2010. The sequence suggests that 1st respondent has consistently been relaxing the requirement of securing Typewriting either English or Telugu for the candidates appointed on compassionate ground. Petitioners after all now claim similar benefit of relaxation on par with the persons who were extended the same.

17. This Court finds that such request to be justified, particularly having regard to the fact that all petitioners have additional qualifications with background of specialized knowledge of operating computer systems, besides with their hard work and relentless efforts later acquired the said technical qualifications. The Division Bench of this Court clearly emphasized aforesaid

aspects and emphatically weighed in favour of extending the benefit of relaxation.

18. In view of the same and for reasons stated above, these writ petitions are allowed by directing respondents to regularize services of petitioners from the date of their respective appointments as Typists with all consequential benefits. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J

18.06.2025

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