

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF AUGUST

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14948 OF 2024



Between:

1. G Ramachandra S/o G.Kondaiah,,
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-137-B, Chittoor Road. Kadapa District.
O/o Minnam Reddigari palli Sambepalli .Post Mandal .(H.T No. 11101009)
2. B Chandra Sekhar Reddy S/o B Obul Reddy,
Aged about 60 years Occ: SGT (MTS).
R/o H.NO 7/7 ,Bayareddy gari palli,Suddamalla mandal,
Y S R Kadapa DistrictO/o Palannagari Palli .Ramapuram.(H.T No. 11102171)
3. T V Rami Reddy S/o T Naga Subba Reddy,
Aged about 60 years Occ: SGT (MTS),
R/o H.NO 51/91-4-A,Rayachoti Kadapa District .
O/o MPPS .Reddivari Palli Sambepalli.(H.T No. 11106023)
4. Busireddy Narayana Reddy S/o B Rami Reddy,
Aged about 60 years Occ: SGT (MTS),
R/o H.NO 2/40,Alinagar .Madhavaram . Kadapa District (H.T No. 11106023)
5. K.Siva Prasād Reddy S/o J. Bathaiah
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.4158c. Kadapa district (UDISE ;28203400202)
6. Gulli palli Chandara rao, S/o Late Simhachalam,
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-101,Chinna,Street Bheemali,
Vizianagaram District (UDISE ;28121100701)
7. Gorle Ootaroo S/o Dalinaidu
Aged about 60 years Occ: SGT (MTS)
R/o H.NO Jaddetivalasa (vill) Vizianagaram, District. (UDISE ;28123301501)
8. Vaddadi Venkata Raghu Rama Uma Kantha Rao, S/o V.Suryaprakashrao
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. 58-9-56/2A, Vishakhapatnam District (UDISE ;28131413901)
9. Niddara Sathi Babu S/o Nooka Raju
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-72,Narsipatnam Mandal. Vishakhapatnam District. (UDISE ;28131802801)

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Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. 2-41, Ramalayam Veedhi. Vishakapatnam District
(UDISE ;28131216901)

11. Gajji Appalanaidu S/o Gajji Paidithalli
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. K.Kotapadu Mandalam Near post office K.kotapadu
Vishakapatnam District (UDISE ;281305010601)
12. Reddi Satyanarayana C/o Reddi Nookalamma Ura Bullabbai
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.14-3-23, Narsipatnam (m), Anakapalli District,
Vishakapatnam. (UDISE ;281305010601)
13. Lalam Ganeswararao S/o Late Lalam Pothu Raju
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.25-61, Velama Street Narsipatanam
Vishakapatnam District (UDISE ;28131700709)
14. P.Varahalarao ,S/o Thammayya,
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.12-04-83, Geethanjali Elite, Anakapallie.
Vishakapatnam District (UDISE ;28131202003)
15. T.Lakshminarasamma W/o B.L.Narasingarao
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.13-363 Ambedkar Nagar Sec-2 Aribora
Vishakapatnam District (UDISE ;28111603201)
16. B Maruti Prasad S/o Bamidi Palli Prasad rao
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.3-162/1 Raja Street Anakapalli .Mandal
Vishakapatnam District (UDISE ;28133001301)
17. Metta Krishna Chandra Rao S/o , Metta Vasudev
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.46-13-1216, Mandavari Street , Vishakapatnam District .
O/o Nandigam (m)srikakulam (UDISE ;28131202003)
18. Inty Srimannarayana , S/o Mohana Rangarao ,
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.4-38-8,P-T. Colony. Wardno. 7, Tadepalligudem
West Godavari District, (UDISE ;28132401302)

19. U. Venkataramana, S/o Apparao.
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.3-142,Bhimavarap kota ,
East Godavari District (UDISE ;28131800202)
20. Pathagolusu Marry Krupavaram W/o Pathagolusu Muniyya
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.8-27,dwarakanagar .M. Nagulapally ,
West Godavari District (UDISE ;28131800202)
21. G.Santhahelen W/o Madhusudanarao.
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.16-4-29/3011,Rustumbada Narasapuram ,
West Godavari District.(UDISE ;28131800202)
22. Kanchiraju Sri Lakshmi Arathi W/o Subrahmanya sambasivarav
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.15-4-18/12 plot no 103 vignesh towers bapuji nagar,
West Godavari District,
23. Juvvala Margaret prameela W/o Geddam babu rao.
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.10-187, indira colony near venkanna cheruvu
West Godavari District.
24. CH.V.V.K.S.N.S.SAYIBABA S/o Venkata Suryanaryana
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.9-32 Sivalayamvedhi pedapudi mandalam pedapudi
East Godavari District (UDISE ;28131800202)
25. Kurella V.V.S.N.Murthy C/o Ramachandra Murthy,
aged about 60 years, Occ: SGT (MTS)
R/o H.NO. 4-112 Sisumandir School Mallikipuram (m) Lakkavaram
East Godavari District (UDISE ;28145800604)
26. Lakshmi Srivalli Kasukurthy W/o Venkata Sambasivarao
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.37-1-7-15 Annavarappadu santhapeta
Ongole prakasham District (UDISE ;28145800604)
27. Gummapu Ratna Raju C/o Achiyya
aged about 60 years, Occ: SGT (MTS)

R/o H.NO.19, Vysya Bank Colony 2nd line near Padmavathi
Apartment Gorantla Guntur District (UDISE ;28150800903)

28. Smt.Karumanchi Florence Nightingale
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.7-6-102,5th line Bongarala Beedu
Guntur District (UDISE ;28145800604)
29. Pramkusam Venkata Ranga charyulu S/o Paramkusam Adisesha charyulu
aged about 60 years, Occ: SGT (MTS)
R/o H.NO. near ramalayam palapadu narasaraopeta (m) palapadu
Guntur District (UDISE ;28145800604)
30. Dammu Jayaprakash S/o yesudasu
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.12-95/1,VemuruVTC .vemuru
Guntur District (UDISE ;28145800604)
31. Kasarla B.V.Satyanaryana S/o KA padmanadhulu
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.6-196,adavuladeevi nizampatnam
Guntur District (UDISE ;28145800604)
32. Mohammed Tajamulrayeed S/o Shaik Madar
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.16/124, near thaheer masjid Ramakrishna coloney
Myalavaram N.T.R.District (UDISE ;28145800604)
33. Kodavalli Gidionraju S/o Late .Stephen
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.20-576-718 NGO Colony 2nd road beside collector
Residency machilipatnam Krishna District (UDISE ;28145800604)
34. M.sudhakar S/o M.G.K.Murthy
aged about 60 years, Occ: SGT (MTS)
R/o H.NO. main road kankipadu kawipadu (m)
Krishna District (UDISE ;28145800604)
35. Kolla Rathana manikyam D/O K .Nancharaiah
aged about 60 years, Occ: SGT (MTS)
R/o Ummadi devarapalli .Gampalagudem .Mandal . Krishna District
(UDISE ;28145800604)

36. Rayasam Rambabu S/o Sreehari
aged about 60 years, Occ: SGT (MTS)
R/o H.NO. golagamudi venkata chalamsurvepalli,
Nellore district (UDISE ;28192300204)
37. Katikala Subha rao W/o K.chalamaiah
aged about 60 years, Occ: SGT (MTS)
R/o H.NO. east street kota gundali
Nellore district (UDISE ;28194103501)
38. N.Malakondareddy S/o N.malakondaiah
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-201,Cheruvu nagasumdrum, veeranakollu
Nellore district (UDISE ;28190801112)
39. CHILAKA Rangaiah S/O Late C.Subramanyam
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.3-770,VR . Mppschalivendra naidupetta mandal
Nellore district (UDISE ;28194300101)
40. V.Kumaraswamy,S/o V.Venkata Swamy
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.6-10-130, Gandalapallichinnagottigallu diguvuru
Chittoor district (UDISE ;28231600609)
41. KS Ramesh babu S/o k.Subba ramaiah
aged about 60 years, Occ: SGT (MTS)
R/o H.NO.17-91-4-9, Rajeev nagar punganur road madanapalle
Chittoor district (UDISE ;28233501809)
- 42.. G.S.Madhu KumarS/o G.David.
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.17-251,misiion compound chittor madanapalle
Chittoor district (UDISE ;28233501809)
43. I.Santhamma W/O.P.R.Suresh babu
Aged about 60 years OCC;SGT(MTS)
R/O NO.16-254 Subhash road ,madanapalle,Annamaiah,
chittoor District . ((udise 28233400304)
44. M.Vijayakumari W/O. Venkata Rayapllai Mani Rajendra
Aged about 60 years OCC;SGT(MTS)
R/O NO.10-128-19/A VVNager tirupati yogimallvaram

chittoor District . ((udise 28235001701)

45. M.Reddy Dharamareddy S/o M.Venkatasubbba reddy
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. Anathapuram district (UDISE ;28224001106)
46. V.Indrasena naidu S/o not Known
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. Anathapuram district. (UDISE ;28235001301)
47. S.Manjunath S/o Santhrajappa
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-64, bc colony gune morubagal gunimoru bagal
Ananthapur district (UDISE ;28225900504)
48. M. Ravishankar S/o Mallikarjunappa
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1/466, bc colony, morubagal,
Ananthapur district (UDISE ;28226000809)
49. B. Lakshman S/o Thimmayya
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1/113, pandipathy
Ananthapur district (UDISE ;28226200207)
50. Bagadi.Sasibhushana.chowdary,S/o.RaghuramChowdary,Late,
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.1-06C, Janachetana campus near venkatagowri theater
Palakonda Srikakulam district (UDISE ;28111309401)
51. Dintakurti Kalyani W/o Nageswararao
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO.11-3-210, china baratam veedhi,
Srikakulam district (UDISE ;28113102003)
52. Vandana Ramarao S/o V,Satyam
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. Buridikancharam(P) Ponduru (M),
Srikakulam district (UDISE ;28112900901)
53. Velamala Sinkanna, S/o V.Appanna. Late
Aged about 60 years, Occ: SGT (MTS)
R/o H.NO. 2-1, L.K Palli Chinnakakitapalle

Srikakulam district (UDISE ;28113803501)

54. Thadikala Riyajulla S/O. Mohamad Haneef
Aged about 60 years OCC;SGT(MTS)
R/O NO.20-96/1 Gandhi negar Velugodu
Kurnool District . ((udise 28211300501)
55. Darivemula Viveka sastry S/O. Darivemula Aseerradam
Aged about 60 years OCC;SGT(MTS)
R/O NO.21-149-50-2 Teachers colony Dhone
Kurnool District . ((udise 28214900205)
56. Devadanam Christudas T S/O. T.Maddilety
Aged about 60 years OCC;SGT(MTS)
R/O NO.1-16-1-12 Garib negar Atmakur
Kurnool District .O/o MPUPS Siddepalle(udise 28211100804)
57. P.Syed Haneef S/O. P.Syed yusuf
Aged about 60 years OCC;SGT(MTS)
R/O NO.16-32/A2,Sivaji negar Nondikothour
Kurnool District . ((udise 28210800103)

.... Petitioners

AND

1. The State of A.P., rep.by its Principal
Secretary, School Education Department, Secretariat,
Velagapudi Gunturu District.
2. **The Commissioner & Director .of School Education,
the Government of Andhra Pradesh, Ibrahim Patnam
Krishna District-520001.**
3. The District Educational Officer (DEO),
Y S R Kadapa. **KADAPA District**
4. The District Collector,
Y S R Kadapa. **Kadapa District,1998 DSC**
5. The District Educational Officer (DEO),
Vizayanagram. **District**
6. The District Educational Officer (DEO),
Vishakapatnam. District
7. The District Educational Officer (DEO),
West-Godavari. **District**

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- 8 The District Educational Officer (DEO),
East-Godavari. **District**
 - 9 The District Educational Officer (DEO),
Prakasam. **District**
 - 10 The District Educational Officer (DEO),
Guntur. **District**
 - 11 The District Educational Officer (DEO),
Krishna . **District**
 - 12 The District Educational Officer (DEO),
Nellore. **District**
 - 13 The District Educational Officer (DEO),
Chittoor. **District**
 - 14 The District Educational Officer (DEO),
Ananthapur. **District**
 - 15 The District Educational Officer (DEO),
. Srikakulam . **District**
 - 16 The District Educational Officer (DEO),
At.Kurnool, Kurnool. **District** .

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring G.O.Ms 27 dated 15-3-2023 issued by 1st respondent herein to the extent of fixing age of superannuation as 60 years as being illegal arbitrary and contrary to section 2(3) read with 1(2) of AP public Employment age of superannuation and regulation act (act 23 of 84) and to issue directions to implement section 3 of the act (as amended in act 4 of 22) by declaring that petitioners are entitled to the said benefit and to directions to continue the writ petitioners up to the age of 62 years or in alternative declare that the impugned action of fixing the age of superannuation as discriminatory and offence article 14 of the constitution of India in view of the law laid down in Maneka Gandhi vs union of India reported.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to continue the writ petitioners up to 62 years without reference to G.O.Ms 27 dated 15-03-2023, pending disposal of the above Writ Petition.

Counsel for the Petitioners: SRI KRISHNA RAO M

**Counsel for the Respondent Nos.1 to 16: SMT. HEMA LATHA, AGP FOR
SERVICES III**

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.14948 of 2024

G. Ramachandra, S/o G. Kondaiah, aged about 60 years, Occ: SGT (MTS), R/o H.No.1-137-B, Chittoor Road, Kadapa District, O/o Minnam Reddigari Palli Sambepalli Post Mandal (H.T. No.11101009) and 56 others.

... Petitioners

Versus

The State of A.P., Rep, by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Guntur District and fifteen others.

... Respondents

Counsel for the petitioner : Sri M. Krishna Rao

Counsel for respondents : GP for Services-III

:: ORDER ::

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring G.O.Ms.No.27 dated 15-3-2023 issued by 1st respondent herein to the extent of fixing age of superannuation as 60 years as being illegal arbitrary and contrary to section 2(3) read with 1(2) of AP Public Employment age of superannuation and regulation act (act 23 of 84) and to issue directions to implement section 3 of the act (as amended in act 4 of 22) by declaring that petitioners are entitled to the said benefit and to issue

directions to continue the writ petitioners up to the age of 62 years or in alternative declare that the impugned action of fixing the age of superannuation as discriminatory and offence article 14 of the Constitution of India in view of the law laid down in Maneka Gandhi vs. Union of India reported in and pass such other order or orders ...”

2. Heard Sri M. Krishna Rao, learned counsel for the petitioners and Smt. Hema Latha, learned Assistant Government Pleader for Services-III, for respondent No.1.

3. Learned counsel for the petitioners submits that petitioners were appointed as Secondary Grade Teachers on a contract basis on 12.04.2023 and 13.04.2023 in pursuance of DSC conducted in 1998. He would submit that the petitioners are entitled to continue in service till they attain the age of superannuation of 62 years in terms of G.O.Ms.No.15 dated 31.01.2022 issued by the Government. Since the respondent authorities are not extending the age of superannuation to 62 years to the petitioners, the above writ petition is filed.

4. Learned Assistant Government Pleader for Services-III, per *contra*, would submit that petitioners were appointed on a contract basis for 11 months on 12.04.2023 and 13.04.2023. She

would submit that in the appointment letters, it was specifically mentioned that the service of the petitioners is up to 60 years of age. The benefit under G.O.Ms.No.15 will not apply to the petitioners. She placed reliance on an order, dated 22.11.2023 passed in W.P.No.30195 of 2023, and submitted that in similar circumstances, the learned Single Judge dismissed the writ petition.

5. The point for consideration is whether the petitioners, appointed on 12.04.2023 and 13.04.2023, on a contract basis are entitled to the benefit under G.O.Ms.No.15 dated 31.01.2022 *qua* age of superannuation up to 62 years?

6. Petitioners, as seen from the material on record, were appointed on a contract basis for 11 months on 12.04.2023 and 13.04.2023. The appointment was made in pursuance of the willingness given by the candidate under Rule 9(a) of the State and Sub-ordinate Service Rules, 1996, on a consolidated salary of Rs.32,670/- per month. The appointment letter further discloses that the appointment of the petitioners is purely on a contract basis and terms and conditions apply to them as per the existing rules, without security, up to 60 years of age.

Thus, in the appointment letter/contract agreement, itself it was mentioned that the petitioners are entitled to continue only up to 60 years of age, not beyond that.

7. Learned Single Judge in W.P.No.30195 of 2023, which was filed seeking extension of the benefit of superannuation up to 62 years, considered the appointment of the petitioners therein, who were appointed on 13.04.2023, in service of MPPS Palle Palem Ytimoga, dismissed the same, observing that the extension of the age of superannuation has been revised for such persons, who have been engaged in the services of the Government and other agencies and institutions for a longer time and since the appointment of the petitioner therein is in April 2023, the benefit under G.O.Ms.15 cannot be extended to the petitioner.

8. In the case on hand, as stated *supra*, petitioners were appointed on 12.04.2023 and 13.04.2023 for of 11 months. In the appointment letter, it was specifically stated that the petitioners' appointment is purely on a contract basis and the terms and conditions will apply to them without any security up to 60 years of age. Thus, because of the terms of the contract, this Court is not persuaded by the contention of learned counsel for the

petitioners that petitioners are entitled to the benefit under G.O.Ms.No.15 dated 31.01.2022. Apart from the reasons assigned in W.P.No.30195 of 2023, the scheme of extension of age of superannuation has been devised for such persons, who have been engaged in Government and other agencies and institutions for a longer time, squarely apply to the facts of this case.

9. Given the above discussion, this Court does not find any merits in the writ petition.

10. Hence, the writ petition is dismissed. No costs.

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

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri Krishna Rao M, Advocate [OPUC]
2. Two CCs to GP for Services-III, High Court of Andhra Pradesh. [OUT]
3. Three CD Copies.

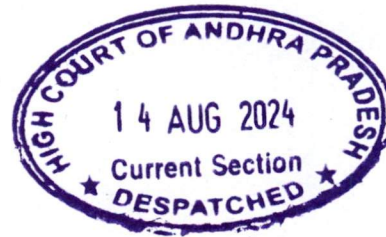
ssb

HIGH COURT

DATED:01/08/2024

ORDER

WP.No.14948 of 2024



DISMISSING THE W.P. WITHOUT COSTS