

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

FRIDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR



PRESENT

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 23817 AND 22927 OF 2023

WRIT PETITION NO: 23817 OF 2023

Between:

1. Niddara Sathi Babu, S/o nooka raju , aged about 60 years, Occ. SGT (MTS) R/o H.NO.1-72, Krishnapuram, village balighattam, post Vemulapudi SO ,Narsipatnam mandal, visakhapatnamdistrict (H.T No.102908)
2. B.Maruthiprasad, S/o Bhamidipalli Prasad Rao Aged about 60 years Occ. SGT (MTS) R/o H.NO 3-162/1, Raja Street .Near High School Anakapalli, manda1, 0/o MPUPS G.DHARMAVARAM Visakhapatnam district (H.T No. 100471)

...PETITIONERS

AND

1. The State of Andhra Pradesh, rep.by its Principal Secretary, School Education Department, Secretariat, Velagapudi Gunturu District.
2. The Commissioner and Director .of School Education, the Government of Andhra Pradesh, Ibrahim Patnam Krishna District-520001.
3. The District Educational Officer (DEO), Visakhapatnam District

4. The District Collector, Visakhapatnam District, 1998 DSC

...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 pass an order or direction one in the nature of Writ of Mandamus declaring the impugned action of the respondents in so far as appointing the petitioners as Contract Teacher on a Minimum Time Scale basis on the pretext of G.O.Ms.no.27 dt.15-3-2023 vide appointment orders dt11-12- 2007 in lieu of Vidya Volunteers in accordance with Govt.Memo. No.7705/ser.VII/2004 dt.23-05-2005 while appointing counterparts of DSC-1998 qualified Teachers based on the opinion of the then Advocate General and as per the recommendations of the Committee who subsequently absorbed on a regular basis in order to deprive the legitimate right of assurance under promissory estoppel and while treating them as if they were Government Servants hold a civil post and brought them under CCA Rules, 1991 for the purpose of disciplinary action on one hand whereas denying the benefit of continuance in service upto age of 62 years on other hand is totally irrational, inequity, unfair, unwarranted, legally incorrect besides being a violation of Articles 14 of the Constitution of India and set aside the G.O. in so far as adverse condition is concerned and consequently declare that the petitioners are entitled to the identical and similar benefits derived from the Govt.Memo. No.7705/ser.VII/2004 dt.23-05-2005, as are enjoying by the counterparts of DSC-1998 qualified teachers like the petitioner including absorption on the notional basis by taking into account the dicta laid down by the Apex Court in Civil Appeal No.3767/2010 (**State of Bihar and Others v. Arbind Jee,**) with further direction to continue the petitioners as a SGT (Secondary Grade Teacher)are entitled in service upto age of 62 years with all consequential benetits.

IA NO: 1 OF 2023

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 petitioner as a(SGT) till allairts the age of 62 years being Government Servants and discharging teacher duties in connection with the affairs of State State Affairs without reference to the nomenclature of the appointment pending disposal of the above writ petition.

IA NO: 2 OF 2023

Between:

1. The State of Andhra Pradesh, rep.by its Principal Secretary,School Education Department, Secretariat, Velagapudi Gunturu District.
2. The Commissioner and Director .of School Education, the Government of Andhra Pradesh, Ibrahim Patnam Krishna District- 520001.
3. The District Educational Officer (DEO), Visakhapatnam District
4. The District Collector, Visakhapatnam District,1998 DSC

**...PETITIONERS/RESPONDENTS
AND**

1. Niddara Sathi Babu, S/o nooka raju , aged about 60 years, Occ. SGT (MTS) R/o H.NO.1-72, Krishnapuram, village balighattam,post Vemulapudi SO ,Narsipatnam mandal, visakhapatnamdistrict (H.T No.102908)
2. B.Maruthiprasad, S/o Bhamidipalli Prasad Rao Aged about 60 years Occ. SGT (MTS) R/o H.NO 3-162/1, Raja Street .Near High School Anakapalli, manda1, 0/o MPUPS G.DHARMAVARAM Visakhapatnam district (H.T No. 100471)

...RESPONDENTS/PETITIONERS

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 vacate the Interim directions dated.15.09.2023 passed in IA.No.1 of 2023 in W.P.No.23817 of 2023 in the interest of justice.

Counsel for the Petitioners: SRI. KRISHNA RAO M

Counsel for the Respondent No.'s 1 to 4 : GP FOR SCHOOL EDUCATION (SERVICES III)

WRIT PETITION NO: 22927 OF 2023

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 District O/o Palannagari Palli Ramapuram (H.T No. 11102171)
3. T V Rami Reddy, S/O T Nga Subba Reddy Aged about 60 years Occ. SGT (MTS) R/o H.NO 51/91-4-A,Nehru Nagar Kottapeta Rayachoti Kadapa District O/o MPPS .Reddivari Palli Sambepalli (H.T No. 11106023)

...PETITIONERS

AND

1. The State Of Ap, rep.by its Principal Secretary, School Education Department, Secretariat, Velagapudi Gunturu District,

2. The Commissioner and 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

...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 Mandamus declaring the impugned action of the respondents in so far as appointing the petitioners as Contract Teachers on a Minimum Time Scale basis on the pretext of G.O.Ms.no.27 dt15-3-2023 vide appointment orders dt11-12- 2007 in lieu of Vidya Volunteers in accordance with Govt. Memo. No.7705/ser.VII/2004 dt.23-05-2005 while appointing counterparts of DSC-1998 qualified Teachers based on the opinion of the then Advocate General and as per the recommendations of the Committee who subsequently absorbed on a regular basis in order to deprive the legitimate right of assurance under promissory estoppel and while treating them as if they were Government Servants hold a civil post and brought them under CCA Rules,1991 for the purpose of disciplinary action on one hand whereas denying the benefit of continuance in service upto age of 62 years on other hand is totally irrational, inequity, unfair, unwarranted, legally incorrect besides being a violation of Articles 14 of the Constitution of India and set aside the G.O. in so far as adverse condition is concerned and consequently declare that the petitioners are entitled to the identical and similar benefits derived from the Govt.Memo. No.7705/ser.VII/2004 dt.23-05-2005, as are enjoying by the counterparts of DSC-1998 qualified teachers like the petitioner including absorption on the notional basis by taking into account the dicta laid down by the Apex Court in Civil Appeal No.3767/2010 (State of Bihar 8 Others v. Arbind Jee,) with further direction

to continue the petitioners as a SGT (Secondary Grade Teacher)are entitled in service upto age of 62 years with all consequential benefits.

IA NO: 1 OF 2023

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 petitioner as a (SGT) till attains the age of 62 years being Government Servants and discharging teacher duties in connection with the affairs of the State Affairs without reference to the nomenclature of the appointment pending disposal of the above writ petition.

IA NO: 1 OF 2024

Between:

1. The State of Andhra Pradesh, rep.by its Principal Secretary, School Education Department, Secretariat, Velagapudi Gunturu District.
2. The Commissioner and Director .of School Education, the Government of Andhra Pradesh, Ibrahim Patnam Krishna District- 520001.
3. The District Educational Officer (DEO), Visakhapatnam District
4. The District Collector, Visakhapatnam District, 1998 DSC

...PETITIONERS/RESPONDENT

AND

1. G Ramachandra, S/o G.Kondaiah, aged about 60 years, Occ. SGT (MTS) R/o H.N0.1-137-B, Chlthoor Road. Kadapa District 0/0 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 District O/o Palannagari Palli Ramapuram (H.T No. 11102171)
3. T V Rami Reddy, S/O T Nga Subba Reddy Aged about 60 years Occ. SGT (MTS) R/o H.NO 51/91-4-A,Nehru Nagar Kottapeta Rayachoti Kadapa District O/o MPPS .Reddivari Palli Sambepalli (H.T No. 11106023)

...RESPONDENTS

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 vacate the interim directions as passed on dt:15-09-2023 in the W.P.No.22927 of 2023 and dismiss the Writ petition in the interest of justice.

Counsel for the Petitioners: SRI. KRISHNA RAO M

Counsel for the Respondent No. 1 to 3: GP FOR SCHOOL EDUCATION (SERVICES III)

The Court made the following COMMON ORDER:



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

[3328]

FRIDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD

WRIT PETITION NOS: 23817/2023 & 22927/2023

WRIT PETITION NO: 23817/2023

Between:

Niddara Sathi Babu and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. KRISHNA RAO M

Counsel for the Respondent(S):

1. GP FOR SERVICES III

WRIT PETITION NO: 22927/2023

Between:

G Ramachandra and Others

...PETITIONER(S)

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.KRISHNA RAO M

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION

2.NOOKA JAGANNADHAM

The Court made the following Oral Common Order:

Heard Sri M. Krishna Rao, Learned Counsel for the Writ Petitioners and Ms. M. Hema Latha, Learned Assistant Government Pleader for Services-III.

2. Learned Counsel for Respondents has drawn the attention of this Court to an Order passed by this Court dated 22.11.2023 in Writ Petition No.30195 of 2023.

3. Learned Counsel for Respondents would submit that the Order passed in Writ Petition No.30195 of 2023 is in similar circumstances where the Writ Petitioner therein was also appointed as Secondary Grade Teachers on contract basis.

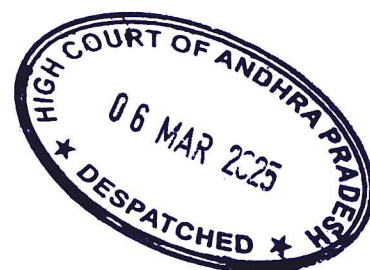
4. Having considered these facts, this Court is of the opinion that the facts of these Writ Petitions are squarely covered by the Order of this Court in Writ Petition No.30195 of 2023 dated 22.11.2023.

HIGH COURT

DATED:19/04/2024

COMMON ORDER

WP.No.23817 AND 22927 of 2023



**DISMISSING ALL WP'S,
WITHOUT COSTS**