

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 1082 OF 2025

Writ Appeal under clause 15 of the Letters Patent to set aside the order dated 28-03-2025 in W.P.No. 9038 of 2023 by allowing the Writ Petition in the interest of justice on the file of the High Court.

Between:

Dr.Govindraj B.Kulkarni, S/o Bansidhar Rao Kulkarni Aged about 54 years,
Occ. Lecturer in Chemistry, R/o Shankarnagar, Bodhan Nizamabad District

...APPELLANT/PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary Higher Education (CE) Department, Secretariat, Hyderabad.
2. The Commissioner of Collegiate, Education Telangana, Hyderabad.
3. The Regional Joint Director, Warangal.
4. The Principal, Madhu Malancha Govt.Degree College Shakarnagar, Belal, Bodhan, Nizamabad District.

...RESPONDENTS/RESPONDENTS

IA NO: 2 OF 2025

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 suspend the Order dated 28-03-2025 passed in W.P.No. 9038 of 2023 pending disposal of the Writ Appeal in the interest of justice

Counsel for the Appellant: SRI. M. RAMA RAO

**Counsel for the Respondents: SRI SANTHAPUR SATYANARAYANA RAO,
GP FOR SERVICES I**

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 1082 of 2025

JUDGMENT:

Heard Sri M. Rama Rao, learned counsel appearing for appellant/writ petitioner and Sri Santhapur Satyanarayana Rao, learned Government Pleader for Services-I appearing for respondent Nos.1 to 3.

2. The instant Writ Appeal is filed by the writ petitioner aggrieved by the impugned order dated 28.03.2025 passed in Writ Petition No.9038 of 2023 by the learned writ Court whereby the learned writ Court dismissed the Writ Petition by holding *inter alia* as under:

“14. From the above, it is indubitably clear that the services of the petitioner herein were discontinued w.e.f., 28.02.2011. Given these circumstances, this Court is of the view that the petitioner cannot claim parity with those other employees whose services were regularized, as he was not in continuous service at the relevant point of time. Further, it is to be noted that respondent No.4 College has also become defunct from the academic year 2021, due to a lack of admissions. In the peculiar facts and circumstances of the case, the judgments relied on by the petitioner are of no avail to him.

15. In the foregoing discussion, this Court finds no merit in the present writ petition, and therefore, it is liable to be dismissed.

16. Accordingly, the Writ Petition is dismissed.”

3. As per the writ petitioner, he was appointed as a Lecturer on 10.06.1997 in Madhu Malancha Society against a temporary post and was discontinued with effect from 01.03.2011. He approached the writ Court in the instant Writ Petition filed in 2023 for declaring that action of the respondents in not regularizing his services while regularizing services of similarly situated persons by issuing G.O.Ms.No.38, Higher Education (CE) Department, dated 05.09.2018, is illegal, arbitrary and discriminatory. He prayed for a direction for his regularization of his services from the date of discontinuance his service with all consequential benefits. It appears that earlier several persons had approached the Hon'ble Supreme Court against the judgment dated 09.03.2007 rendered by the Division Bench of erstwhile High Court of Andhra Pradesh in Writ Appeal No.101 of 2006 whereby the learned Division Bench had set aside the order dated 15.07.2005 in Writ Petition No.5786 of 2003 whereunder the learned writ Court had directed the respondents to continue the employees in service till a policy

decision is taken by the respondents regarding regularization of services of part-time lecturers in aided posts subject to availability of vacant posts. It appears that the petitioner had also earlier approached the writ Court in Writ Petition No.5412 of 2003 challenging G.O.Ms.No.9 dated 12.03.2003 which was disposed of by the common order dated 15.07.2005 in W.P.No.5786 of 2003 and batch. *Vide* its judgment dated 13.05.2016, the Apex Court disposed of Civil Appeal No.2712-2713 of 2010 in which the petitioner was also a party. The Apex Court observed as under:

“It is now submitted that the grievance of the appellants is covered by our order dated 19.4.2016 passed in Civil Appeal Nos.4232-4236 of 2016. Insofar as the present appellants are concerned, it is pointed out that they are covered by the following part of our order dated 19.4.2016 passed in Civil Appeal Nos.4232-4236 of 2016, which reads as under:

“Though in our orders dated 13.10.2014 and 16.12.2014 we made a reference to the other similarly placed Lecturers for the purpose of formulating the Scheme, we are not giving any specific direction in this order. However, we leave it open for the State Government either to apply the Scheme which they have formulated in the Memo No.10029/CE/A2/2014-4 dated 19.1.2015 to such similarly placed Lecturers.”

So, the very same relief will hold good for the appellants in these appeals.”

Subsequently, the petitioner filed I.A.Nos.13-14 in Civil Appeal Nos.2712-2713 of 2013 for clarification in the judgment dated 13.05.2016 in which the following order was passed on 21.07.2016.

“These applications are for clarification of our judgment and order dated 13th May, 2016 and 19th April, 2016. Mr. Hegde, learned senior counsel appearing for the applicants fairly submitted that the applicants were 8 in number and the applications in which Ms. AnjaniAiyagiri is representing the applicants, are four in number are actually working in the institutions which come under the jurisdiction of the State of Telangana after the bifurcation of the State of Andhra Pradesh into the States of Andhra Pradesh and Telangana. In such circumstances, since our orders dated 19th April, 2016 as well as 13th May, 2016 were based on the Scheme formulated by the State of Andhra Pradesh dated 19th January, 2015, the question of extending such benefits to those who are similarly placed as is claimed by the applicants in the newly formed State of Telangana will have to be examined independently on its own merits. We are not expressing any opinion as to their entitlement for extension of the Scheme benefits formulated by the State of Andhra Pradesh.

We also feel that if the applicants are similarly placed there should be no difficulty for the State of Telangana also to consider the extension in the interest of justice. However, we leave it open for the State of Telangana to take its own decision as to applying the Scheme formulated by the State of Andhra Pradesh or formulate its own Scheme taking into account the long service put in by these applicants We only

hope and trust that the State of Telangana will take appropriate decision expeditiously preferably within two months from the date of communication of this order. Such decision can be based on the application of the applicants filed before this court and the present order passed in this case.”

Thereafter, G.O.Ms.No.38 was issued on 05.09.2018 for regularization of unaided teaching and non-teaching staff with prospective effect. Services of some of the non-teaching and teaching staff of the unaided colleges were regularized pursuant thereto. The relevant paras of G.O.Ms.No.38 read as under:

“18. Accordingly, the Government, after careful examination of the matter, have thus decided to regularize the services of the (7) Unaided Teaching staff and (6) Unaided Non-Teaching staff, as per the details mentioned in the Annexure-I and Annexure-II respectively, appended to this Order, who have been continuously working from date of Taking Over of the Andhra Bhashabhi Vardhini Degree College, Jangaon, till issue of this order and they are hereby regularized and absorbed into the Collegiate Education Service, as a special case, with effect from the date of issue of this order and this shall not be treated as a precedent case in any manner.

19. The Commissioner of Collegiate Education, Telangana State, Hyderabad shall take necessary action in the matter accordingly.

20. This Order issues with the concurrence of the Finance (HRM-I) Department vide their U.O.No.006644/167/A2/HRM.I/2018, dt.05-09-2018.

21. Accordingly, the following Notification shall be published in the Telangana Gazette:-

NOTIFICATION

In exercise of the powers conferred by section 100 of the Telangana Education Act 1982 (Act.1 of 1982), Government hereby absorbs the services of seven (7) Unaided Teaching Staff

and six (6) Un-aided Non-Teaching staff of Andhra Bhashabhi Vardhini Degree College, Jangaon, into Collegiate Education Service, as a special case, with effect from the date of issue of this Order, by relaxing the age requirement/qualification of National Eligibility Test/State Level Eligibility Test, Selection Procedure/Rule of Reservation (relevant reservation points in the 100 point Rule of Reservation Cycle, must be carried forward accordingly for future recruitments) as per the details mentioned in Column 13 of the Annexure-I appended to this G.O., for the Teaching staff and Annexure-II appended to this G.O. for the Non-Teaching staff. These relaxations are granted keeping in view the Interest of the students and hardship of the Teaching and Non-Teaching staff, who have been working from the date of taking over of the College in 2003 till today, in order to meet the ends of justice, in public Interest, by taking a sympathetic view. The Teaching Staff to whom the relaxation of National Eligibility Test/State Level Eligibility Test is granted will be absorbed in the State Pay Scales, till they acquire National Eligibility Test/State Level Eligibility Test, which is mandatory for UGC Scales.

In the case of the Teaching staff, there are seven (7) persons, who are in excess vis-a-vis the sanctioned posts in this College. They will be absorbed against the sanctioned posts which are vacant in the Govt. Degree Colleges within the same Zone in that subject and in the case of Sociology it shall be treated it as sanctioned post. The criteria for the absorption of these excess seven (7) Teaching staff from this College to other Government Degree Colleges is the years of service i.e., the persons with least service in that particular cadre will be absorbed in the other Government Degree Colleges. In case the years of service are equal, then the younger person by age will be absorbed in the other Government Degree Colleges, in the case of six (6) Non-Teaching staff, they shall be absorbed in the existing vacancies of the sanctioned posts in the College.

All these regularizations/absorptions are subject to the condition of Undertakings given in the Affidavits by the seven (7) Teaching and six (6) Non-Teaching staff (as listed in Annexures-I and II respectively appended to this G.O) that they would take last rank in the seniority in the Collegiate Education Service, in that particular cadre, and these are also subject to withdrawal of Court cases, if any, pending in the APAT/High Court and any other Court in this regard, filed by them. These absorptions are also subject to the verification by the Commissioner of Collegiate Education regarding the local status of this staff i.e., they all are local to Telangana and there are no criminal/disciplinary/civil cases pending against them.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF
TELANGANA)

RANJEEV R. ACHARYA
SPECIAL CHIEF SECRETARY TO GOVERNMENT"

This permitted the petitioner to approach the writ Court in the year 2023 seeking regularization of his services alleging discriminatory treatment by the respondents under the impugned G.O.Ms.No.38 dated 05.09.2018. The learned writ Court after noticing the sequence of facts leading to issuance of the impugned notification held that the services of the petitioner were discontinued with effect from 28.02.2011. Therefore, he cannot claim parity with those whose services were regularized. It also noted that respondent No.4 college had also become defunct from the academic year 2021 due to lack of admissions. Being aggrieved, the present Writ Appeal has been filed.

4. Upon hearing the learned counsel for the parties, we agree with the opinion of the learned writ Court on the grounds that the petitioner had been disengaged with effect from 01.03.2011 and was not in service at the time G.O.Ms.No.38 dated 05.09.2018 was issued. The instant G.O. was issued pursuant to the directions issued by the Hon'ble

Supreme Court referred to hereinabove and was limited to those employees who were continuously working from taking over of Andhra Bhashabhi Vardhini Degree College, Jangaon, till issuance of G.O. The Apex Court in its clarificatory order dated 21.07.2016 had also observed that it is open for the State of Telangana to take its own decision as to applying the Scheme formulated by the State of Andhra Pradesh or formulate its own Scheme taking into account the long service put in by the applicants. There was no specific direction for regularization of services of persons like the petitioner. It further appears that the petitioner instituted a Contempt Case before the Hon'ble Supreme Court which was not entertained by order dated 05.09.2022 passed in Contempt Petition No.1911-12 of 2017 arising out of Civil Appeal No.2712-2713 of 2010. As such in all the conspectus of facts and circumstances noted above, the petitioner cannot allege discriminatory treatment in regularization pursuant to his services as per G.O.Ms.No.38 dated 05.09.2018. The learned writ Court therefore rightly refused to entertain Writ Petition No.9038 of 2023.

5. We therefore do not find any merit in this Writ Appeal.

The instant Writ Appeal is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI. M. RAMA RAO, Advocate [OPUC]
2. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies

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HIGH COURT

DATED:25/09/2025



JUDGMENT

WA.No.1082 of 2025

DISMISSING THE WRIT APPEAL WITHOUT COSTS

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8/12/25