

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
&
THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.13370 of 1999

Between:
K.L.N.Murthy

..... PETITIONER

AND

The Government of Andhra Pradesh,rep.by Prl.Secretary,
Education Department, Secretariat Building, Hyderabad and 3 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE V.ESWARAIAH
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
&
THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.13370 of 1999

ORDER: (per Hon'ble Sri Justice V.Eswaraiah)

Heard both the counsel.

The petitioner was appointed in the 4th respondent college as part-time lecturer in Commerce on 03.09.1997 in unaided vacant post. The petitioner filed this writ petition seeking regularization of his services and for regular pay scales. The petitioner also questions the cut off date as 25.11.1993 fixed in G.O.Ms.No.328, Education (CE:III) Department, dated 15.10.1997.

Admittedly, the petitioner was appointed as part-time lecturer on temporary basis in unaided vacant post, but not in a regular vacancy. Therefore, he is entitled to be regularized subject to fulfillment of the terms and conditions as stipulated in G.O.Ms.No.328, Education (CE:III) Department, dated 15.10.1997, some of which are extracted hereunder:

1. The part time lecturer must put in a service of three academic years as on 30.07.1991 or five academic years as on 25.11.1993 as the case may be and also continue in service on the date of issue of orders;
2. The part time lecturer must put in 360 working days as on 30.07.1991 and 600 working days as on 25.11.1993;
3. There must be an aided vacant post;
4. The workload should warrant for filling up of the vacancy;
5. The surplus lecturers, if any, working in the subject should be adjusted and then only the part time lecturers should be considered, if there is a vacancy;
6. Counting of service shall be based on the certificate issued by the concerned Regional Joint Director of Higher Education and it should also be covered by audit of the concerned period;

As per the aforesaid G.O., the part time lecturers who have put in continuous service of three academic years as on 30.07.1991 or five academic years as on 25.11.1993 are alone entitled to be considered for regularization of their services, subject to fulfillment of other conditions. As the petitioner did not fulfill the conditions laid down in the aforesaid G.O., he is not entitled for regularization of his services as well as fixation

of regular pay scale.

In so far as fixing the cut off date is concerned, the Hon'ble Supreme Court has already upheld the main G.O.Ms.No.212, dated 22.04.1994, the Act 2 of 1994 and the amended Act 3 of 1998 and Act 27 of 1998 in the case of ***A.Manjula Bhashini v. MD, A.P.Women's Co-operative Finance Corpn.Ltd.***^[1] Following the principles laid down by the Hon'ble Supreme Court in the aforesaid decision, we are of the opinion that the cut off date, as fixed in the aforesaid G.O. is legal and valid.

In view of the above, the petitioner is not entitled for any relief, as sought for. The Writ Petition is accordingly dismissed. No order as to costs.

V.ESWARAIAH,J

R.SUBHASH REDDY,J

VILAS V.AFZULPURKAR,J

Dated: 12.10.2009

Dsr

^[1] 2009 (5) ALD 58 (SC)