

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD  
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY EIGHTH DAY OF MAY  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA**

**WRIT PETITION NO: 41740 OF 2017**

**AND**

**WRIT PETITION NO: 5762 OF 2019**

**Between:**

1. Bandam Ravi, S/o Janaki Ramulu, Aged about 34 years, Occ Fisherman O/o. Fisherman Development Office, Wyra, Khammam District.
2. S.Prabhakar Rao, S/o. Lakshmaiah, Aged about 49 years, Occ Fisherman O/o. Fisherman Development Office, Wyra, Khammam District.
3. Singaram Ramesh, S/o. Chanrdaiah, Aged about 36 years, Occ Fisherman O/o. Fisherman Development Office, Wyra, Khammam District.
4. Edalli Mahender, S/o. Gangaram, Aged about 35 years, Occ Fisherman O/o. Fisherman Development Office, Wyra, Khammam District.

**...PETITIONERS**

**AND**

1. The State of Telangana, rep. by its Principal Secretary, Animal Husbandry Department, Secretariat, T.S., Hyderabad.
2. The Commissioner of Fisheries, Government of Telangana, Hyderabad.
3. The Assistant Director of Fisheries, Khammam, Khammam District.
4. The Fisheries Development Officer, I.T.D.A, Utnoor, Nirmal 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 a direction, more particularly one in nature of Writ of Mandamus declaring that the petitioner are entitled to be continued as fisherman under the control of the respondents 1 to 4 with all consequential benefits duly holding the action of the respondents 1 to 4 in seeking to replace the petitioners by seeking to appoint fresh candidates pursuant to Notification dated 16-8-2017 issued by the 1st and 2nd respondents for filling up 79 posts of

Fishermen on contract basis as being arbitrary, illegal, unjust, irrational and in violation of Articles 14 and 16 of the Constitution of India.

**I.A. NO: 1 OF 2017(WPMP. NO: 51775 OF 2017)**

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 1 & 4 to continue the petitioners as Fishermen without resorting to replace by fresh candidates.

**Counsel for the Petitioners: SRI D.LINGA RAO**

**Counsel for the Respondents: Ms. SHALINI, AGP FOR FISHERIES**

**WRIT PETITION NO: 5762 OF 2019**

**Between:**

1. Bandam Ravi S/o Janaki Ramulu, Aged about 35 years, Occ - Fisherman  
O/o. Fisherman Development Office, Wyra, Khammam District.
2. S. Prabhakar Rao, S/o. Lakshmaiah, Aged about 50 years Occ - Fisherman  
O/o. Fisherman Development Office, Wyra, Khammam District.
3. Singaram Ramesh, S/o. Chanrdaiah, Aged about 37 years. Occ - Fisherman  
O/o. Fisherman Development Office, Kinnerasani Project, Bhadradi  
Kothagudem Dist
4. Edalli Mahender, S/o. Gangaram, Aged about 36 years, Occ - Fisherman  
I.T.D.A. Uthoor, Adilabad District

**...PETITIONERS**

**AND**

1. The State of Telangana, rep. by its Principal Secretary, Animal Husbandry  
Department, Secretariat, T.S., Hyderabad.
2. The Commissioner of Fisheries, Government of Telangana, Hyderabad
3. The Assistant Director of Fisheries, Khammam, Khammam District.
4. The Fisheries Development Officer, I.T.D.A, Uthoor, Nirmal District
5. Sri Midium Marga Raju, S/o. Durga Rao, Kothur Village, Gummadavally  
Gram Panchayat, Aswaraopet Mandal, R/o. Bhadradi Kothagudem District.
6. Desaboina Bhanu Prasad, S/o. Srinivasa Rao, Nelkondapally Village and Post  
and Manda, Khammam District
7. Munesula Rajesh, S/o. Bheemaiah R/o. Kadaluru Pedduur Post Kadaluru  
Mandal, Nirmal District
8. Nimmalaboina Laxmana Rao, S/o. Nageswara Rao, R/o Naikamgudem,  
Kuchumansi Mandal, Khammam 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents 1 to 4 in orally discontinuing the services of the petitioners from the posts of Fishermen by replacing them with unofficial respondents on contract/outsourcing basis pursuant to Notification dated 16/8/2017 issued by the 1st and 2nd respondents as being arbitrary, illegal, unjust, erroneous, irrational and in violation of Articles 14 and 16 of the Constitution of India and further be pleased to hold that the petitioners are entitled to be reinstated into service as Fishermen duly renewing their contracts with all consequential benefits.

### **IA NO: 1 OF 2019**

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 take back the petitioners into service as Fishermen on contract basis without reference to the oral termination.

**Counsel for the Petitioner: SRI D.LINGA RAO**

**Counsel for the Respondent No.1 to 4: Ms. SHALINI, AGP FOR FISHERIES**

**The Court made the following: COMMON ORDER**

**THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA****WRIT PETITION No.41740 of 2017****AND****WRIT PETITION No.5762 of 2019****COMMON ORDER:**

The petitioners were appointed as Fishermen on outsourcing basis. They passed 7<sup>th</sup> class, and also undergone Certified Course in Fisheries at Inland Fisheries Training Centre (IFTC), which are the qualifications prescribed for appointment. The 1<sup>st</sup> and 2<sup>nd</sup> petitioners were appointed in 2008, the 3<sup>rd</sup> petitioner in 2007, and the 4<sup>th</sup> petitioner in 2003. It is their case that they have been rendering services as per G.O.Rt.No.345, dated 09.07.2008; and they have been put on artificial breaks in service to avoid continuity of service. The respondent authorities issued a Notification dated 16.08.2017 for inducting 79 fresh candidates as fishermen on temporary basis, by replacing the petitioners who are already working on temporary basis for decades, with the unofficial respondents. Challenging the same, the petitioners filed W.P.No.41740 of 2017. Further, the respondent authorities discontinued the petitioners as temporary fishermen on oral instructions. Challenging the same, the petitioners filed W.P.No.5762 of 2019.

2. Heard Mr. T. Linga Rao, learned counsel for the petitioners; and Ms. Shalini, learned Assistant Government Pleader for the respondents. Perused the record.

3. Learned counsel for the petitioners, while making submissions on the lines of writ affidavit, relies on the judgment of Hon'ble Supreme Court in

**State of Haryana vs. Piara Singh<sup>1</sup>, Jacob M. Pathuparambil vs. Kerala Water Authority<sup>2</sup>, Shri Jaghnath vs. Union of India<sup>3</sup>, Bhagwati Prasad vs. Delhi State Mineral Development Corporation<sup>4</sup>, Manish Gupta vs. President, Jan Bhagidar Samiti<sup>5</sup>.** He contends that the Hon'ble Supreme Court held that temporary employees cannot be replaced by another set of temporary employees, and that practical experience would aid in effectively discharging the duties and it is harsh to deny confirmation in the respective posts on the ground that they lack educational qualifications, and that an *ad hoc* cannot be replaced by another *ad hoc* employee but only by a regular appointee by following regular procedure prescribed. He contends that the petitioners are rendering services for almost two decades in temporary capacity, and further they are qualified to perform the duties of fishermen and the authorities seeking to replace them by another set of temporary employees by the impugned notification, and discontinuing the petitioners by oral instructions is illegal and arbitrary.

4. Learned Assistant Government Pleader, based on the counter affidavit, would essentially argue that the petitioners, on an earlier occasion filed W.P.No.33628 of 2017 contending that since the selection is based on merit, unless the 2<sup>nd</sup> respondent conducts a qualifying examination, the appointments cannot be made on contract basis; and this Court by order dated 11.10.2017 dismissed the writ petition observing that there is no basis in the contention of the petitioners' counsel that a written examination has to be conducted. Learned Assistant Government Pleader further contends

---

<sup>1</sup> AIR 1992 SC 2130

<sup>2</sup> AIR 1990 SC 2228

<sup>3</sup> Writ Petition (Civil) No.651 of 1986

<sup>4</sup> AIR 1990 SC 371

<sup>5</sup> 2022 (6) SCALE 780

that the petitioners were appointed on temporary basis (and not permanent), and that the Commissioner of Fisheries issued a State wide Notification for uniform administration to appoint new candidates based on merit; and referring to the seven candidates mentioned at paragraph No.5 of the counter, it is contended that the candidates have been appointed as per Integrated Fisheries Development Scheme and they are performing duties in their respective capacities since 2017, and therefore there is no merit in the writ petition.

5. Having considered the respective submissions and perused the record, it may be noted that the petitioners have been appointed by taking them from their respective outsourcing agencies, and their appointment was approved by the District authority; for instance, the "Order of Appointment/Offer letter on Outsourcing Basis" (placed at material page No.30 of the writ petition) would show that the petitioner No.1-Bandam Ravi from "Sree Sairam Outsourcing Agencies" have been appointed as Fisherman and his appointment has been approved by the District Collector, Khammam. Further, the petitioners have the academic qualification of 7<sup>th</sup> class. The Experience Certificate in the case of 3<sup>rd</sup> petitioner-Singaram Ramesh (at material page No.44 of the writ petition) would show that the Fisheries Development Officer, Kinnerasaani Project has certified that the services of the petitioner have been utilized in training to Tribal Fishermen to develop the fishing skills and at seed farm at Kinnerasani Project since 30.03.2015 to 24.06.2015. The educational qualifications and experience certificate documents are not disputed by the respondents.

6. The petitioners are admittedly temporary fishermen working for almost two decades and have the necessary qualifications to perform their

jobs. Furthermore, the impugned Notification dated 16.08.2017 was issued for appointment of 79 new fishermen on temporary basis, with the same qualifications as possessed by the petitioners. As per the judgment of Hon'ble Supreme Court in **Piara Singh (supra)**, the petitioners who are temporary workers, and admittedly qualified and possesses necessary skills and expertise in performing the duties of fishermen, cannot be suddenly replaced by another set of fresh temporary workers merely for the purported uniformity of recruitment State-wide. Even in that case the petitioners cannot be brushed aside merely on the ground that they are temporary workers, when the new incumbents are also appointed as temporary workers. Furthermore, even as per the experience certificates issued by the respondent authorities, the petitioners have also imparted training to Tribal Fishermen in fishing skills and at Seed Farm. Further, the Hon'ble Supreme Court in **Jaggo vs. Union of India**<sup>6</sup> referred to the judgment in **State of Karnataka vs. Umadevi**<sup>7</sup>, and held that selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

7. In the instant case, it is to be noted that the dismissal of earlier writ petition of the petitioners on the ground that the contention that there ought to have been a qualifying examination could not be countenanced, for, it is an admitted fact that the petitioners who are temporary fishermen rendering unblemished services for decades, and also trainers in fishing skills to tribal fishermen, are now sought to be replaced by another set of temporary fishermen, more so when the petitioners possess all the skills necessary even as per the impugned notification dated 16.08.2017, and therefore

---

<sup>6</sup> 2024 INSC 1034  
✓ (2006) 4 SCC 1

discontinuation of petitioners from services is patently illegal and cannot be sustained in law, and therefore the writ petitions deserve to be allowed.

8. Accordingly, the writ petitions are allowed with a direction to the respondent authorities to continue the petitioners in their respective duties and wages as applicable, with consequential benefits as entitled as per law. No costs. Miscellaneous petitions pending, shall stand closed.

//TRUE COPY//

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

SECTION OFFICER

To,

1. The Principal Secretary, Animal Husbandry Department, Secretariat, T.S., Hyderabad, State of Telangana.
2. The Commissioner of Fisheries, Government of Telangana, Hyderabad.
3. The Assistant Director of Fisheries, Khammam, Khammam District.
4. The Fisheries Development Officer, I.T.D.A, Utnoor, Nirmal District.
5. Two CCs to SFI D.LINGA RAO Advocate [OPUC].
6. Two CCs to G P FOR FISHERIES, High Court for the State of Telangana at Hyderabad [CLT].
7. Two CD Copies

BSR

bs

8



**HIGH COURT**

**DATED:28/05/2025**

**COMMON ORDER**

**WP.No.41740 of 2017**

**&**

**WP.No.5762 of 2019**



**ALLOWING BOTH THE WRIT PETITIONS,  
WITHOUT COSTS**

*⑫ Copies*

*Sm  
12/6/25*