

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No.21904 of 2017

Between:

Dr.P.Nagaraju, S/o.Pedda Bazaranna,
43 years, Asst.Professor in Management,
Rayalaseema University, Kurnool,
Kurnool District, Andhra Pradesh

... Petitioner

And

\$ Rayalaseema University, rep.by its Registrar, Kurnool, Kurnool District,
State of Andhra Pradesh and two others.

... Respondents

Judgment pronounced on : 31.01.2026

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked : Yes/No
to Law Reporters/Journals:
3. Whether the Lordships wish to see the fair copy : Yes/No
of the Judgment?

MAHESWARA RAO KUNCHEAM, J

***IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

*** HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

+ W.P.No.21904 of 2017

% Dated: 31-01-2026

Between:

Dr.P.Nagaraju, S/o.Pedda Bazaranna, 43 years,
Assistant Professor in Management,
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... Petitioner

And

\$ Rayalaseema University, Rep.by its Registrar, Kurnool,
Kurnool District, State of Andhra Pradesh and two others

... Respondents

! Counsel for Petitioner : Mr. P.V.Krishnaiah,

^Counsel for Respondents : Ms.N.Vijaya Santhi, Standing
Counsel for Rayalaseema University

<GIST:

>HEAD NOTE:

? Cases referred:

1. (1985) 4 SCC 43
2. (2022) 15 SCC 540
3. (1992) 4 SCC 118
4. 2015 SCC Online P & H 12156
5. 2023 SCC Online Ker 913
6. (2007) 13 SCC 292
7. (2022) 15 SCC 540
8. 2026 INSC 97

MAHESWARA RAO KUNCHEAM, J

APHC010365092017



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

SATURDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 21904 OF 2017

Between:

1. Dr.P.Nagaraju, S/o Pedda Bazaranna, 43 Years, Asst. Professor in Management Rayalseema University, Kurnool, Kurnool District, Andhra Pradesh

...Petitioner

AND

1. Rayalseema University, Rep. by its Registrar, Kurnool Kurnool District, State of Andhra Pradesh,

2. State Council of Higher Education, Represented by its Chairman, Veereshalingam Bhavan, Khairthabad, Hyderabad.

3. State of Andhra Pradesh, Represented by its Principal Secretary, Higher Education Department, Secretariat, Velagapudi, Guntur 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 grant appropriate relief more in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the Circular No. RU/Teaching Estt./Circular/2017, dated 18.05.2017 issued by the 1st Respondent as arbitrary, illegal, malafide, discriminatory and unconstitutional violating Article 14, 16 and 21 of the Constitution of India

and set aside the same in so far as the Petitioner are concerned and issue consequential directions restraining the Respondents from replacing the Petitioner by any other contract lecturer in pursuance of the Circular No. RU/Teaching Estt./Circular/2017, dt. 18.05.2017 and issue further directions directing the Respondents to continue the Petitioner as contract lecturer till regularizing their service against regular posts

IA NO: 1 OF 2017(WPMP 26960 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 not to replace the Petitioner by any other contract lecturer in pursuance of the Circular No. RU/Teaching Estt./Circular/2017, dt. 18.05.2017 and continue the Petitioner in service, pending disposal of the writ petition.

IA NO: 1 OF 2018

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 order in W.P.M.P. No. 26960 of 2017 in W.P. No. 21904 of 2017 dated 4-07-2017.

Counsel for the Petitioner: P V KRISHNAIAH

**Counsel for the Respondents: N VIJAYA SANTHI SC FOR
RAYALASEEMA UNIVERSITY KURNOOL**

Counsel for the Respondents: GP FOR HIGHER EDUCATION (AP)

The Court made the following order:

HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION No.21904 of 2017****ORDER:**

The writ petition is filed under Article 226 of Constitution of India, seeking the following main prayer:-

“.....declaring the Circular No.RU/Teaching.Estt./Circular/2017 dated 18.05.2017 issued by the 1st Respondent as arbitrary illegal malafide discriminatory and unconstitutional violating Article 14, 16 and 21 of the Constitution of India and set aside the same in so far as the petitioner is concerned and issue consequential directions restraining the Respondents from replacing the Petitioner by any other contract lecturer in pursuance of the Circular No.RU/Teaching.Estt./Circular/2017 dt. 18.05.2017 and issue further directions directing the Respondents to continue the Petitioner as contract lecturer till regularizing his service against regular post.....”

2. Heard Sri S.Karunakar, learned counsel representing the learned counsel for the petitioner, Smt. N. Vijaya Santhi learned Standing Counsel for the 1st respondent University and learned Assistant Government Pleader for Higher Education.

Brief case of the petitioner:

3. The petitioner was appointed in Sri Krishnadevaraya University on 07.07.2006 as Teaching Assistant in Botany on contract basis by the select committee after going through the interview process, consequent to the

notification issued by the concerned authorities calling for appointments of eligible candidates. Thereafter, the petitioner was transferred to SK University, PG Centre, Kurnool on 25.06.2007 and from then onwards, he has continued to work as Assistant Professor on Contract Basis.

4. On an establishment of the 1st respondent Rayalaseema University at Kurnool by the enactment i.e., Act No.29/2008 dated 24.09.2008 by the 3rd respondent Government, the petitioner continued to work as Assistant Professor on contract basis at the 1st respondent Rayalaseema University, Kurnool and completed 11 years of service in the cadre of Assistant Professor.

5. It is the case of the petitioner that even though the petitioner is working in the teaching side for the last 11 years as Assistant Professor without any blemish, the 1st respondent University has not regularized the petitioner's service and continued to pay the salaries on *ad hoc* basis, which is less than the salaries that are being paid to the regular posts even though the duties discharged by the petitioner are similar to the regular employees.

6. The 1st respondent University being the autonomous increasing posts and subjects day by day, however, denying for payment of minimum time scale to the petitioner on par with regular lecturers, who worked for 10 years on *ad hoc* basis at the 1st respondent University and it is the minimum

obligation of the 1st respondent University to treat the equals as equals and regularize the services of the petitioner in view of the decisions rendered by the Hon'ble Supreme Court of India.

7. While so, to the petitioner's utter disgrace, the 1st respondent University has issued the impugned circular dated 18.05.2017 and chosen to recruit the Assistant Professor/Teaching Assistant on temporary basis and asked the Assistant Professors/Teaching Assistants, who are presently working on contract basis in respective departments, to submit their applications. Hence, having left with no other option, the petitioner filed the present writ petition seeking direction against the action of the respondents from replacing the petitioner by another contract lecturer in pursuance to the impugned circular and also seeking direction against the respondents to continue him as contract lecturer till regularizing his services against the regular post.

Brief case of the respondents:

8. Respondent No.1 filed counter affidavit stating that the petitioner was engaged purely on a temporary and contractual basis as a Teaching Assistant/Assistant Professor without undergoing the regular selection process prescribed by UGC regulations. The engagement was for a limited period of approximately 11 months in a year, initially at a consolidated salary of Rs. 15,000/- per month, which was subsequently enhanced to

Rs.20,000/- and presently Rs.30,000/- per month on mutually agreed terms. There was no notification or constitution of a selection committee with external subject experts at the time of initial engagement, and the petitioner had no vested right to ask for continuation or regularization of his services.

9. Regular teaching posts in the 1st respondent University were sanctioned only through G.O.Ms.No.33 dated 30.06.2017 issued by the Government of Andhra Pradesh. Since the 1st respondent University recruited seven Professors on a regular basis and distributed the teaching workload among existing regular faculty as per UGC norms. In view of the reduced workload, there is no further requirement for the services of temporary/contractual faculty as the petitioner.

10. According to the 1st respondent University, all temporary engagements were made in accordance with the guidelines of the Andhra Pradesh State Council of Higher Education (A.P.S.C.H.E.) and the State Government to meet immediate academic needs pending sanction of regular posts. Contractual faculty appointments are subjected to annual performance review, and there is no provision for automatic regularization or absorption into regular service without undergoing the prescribed regular selection procedure. The allegations of irregularity and entitlement for continuation/regularization raised by the petitioner are baseless, and the 1st respondent University has acted upon in full compliance with statutory norms without any retractions whatsoever.

Submissions of the respective counsel:

11. Learned counsel for the petitioner submits that in order to interdict the petitioner's services, the 1st respondent university issued circular dated 18.05.2017, proposing to appoint a set of *ad hoc* employees in the category of Assistant Professors on the very same contract basis in the place of the petitioner, the same is not legal and valid.

Though learned counsel for the petitioner raised several averments in the writ affidavit i.e. regularization, he fairly submits that, he is pursuing his legal remedies by way of filing other cases. Hence, he focused on the point that temporary employee cannot be replaced by another temporary employee in the absence of regular appointment. To substantiate his assertions, the learned counsel relies on the judgment of ***Rattan Lal & Ors. Vs. State of Haryana***¹ and ***Manish Gupta Vs. President, Jan Bhagidari Samiti***².

12. On the other hand, the learned standing counsel for the 1st respondent University Smt.N.Vijaya Santhi, while reiterating the contentions made in the counter affidavit, fairly submits that there is no dispute that the petitioner was appointed on contract basis in the 1st respondent University. She also submits that in terms of the interim order dated 04.07.2017, the petitioner is continuing to work in the 1st respondent University. She further submits that the 1st respondent University issued two notifications to fill up

¹ (1985) 4 SCC 43

² (2022) 15 SCC 540

the posts through regular appointments permanently, due to the administrative exigencies, the same were not fructified. Hence, as on today no notification has been issued for selection process of regular employees towards teaching staff in the 1st respondent university. She also contended that in view of reduced workload, there is no further recruitment for the services of the petitioner.

Consideration of the Court:

13. This Court has considered the rival submissions made by both counsel and has gone through the material available on record.

14. In view of nature of facts and circumstances involved in the *lis*, the core point emanated in the instant *lis* is:

“Whether the petitioner being a contract employee in the 1st respondent university can be substituted by another contract employee in the absence of regular appointment through proper notification?”

15. Before dwelling into the facts involved in the *lis*, it is relevant to note the well settled legal principles crystallized by the Apex Court in the very core point emanated in the instant case. In ***Rattan Lal*** case relied by the learned counsel for the petitioner, the Apex Court upheld the claim to replace a temporary worker with someone hired through proper, fair procedures (regular employees), not just another temporary person, preventing arbitrary "hire-and-fire" cycles and ensuring fairness and consistent service for essential, perennial jobs. This case is notable for the

fact that duty cannot be defeated by a continuous cycle of temporary appointments. The relevant portion of the said dictum read as under:

“....1. These ad hoc teachers are unnecessarily subjected to an arbitrary “hiring and firing” policy. These teachers who constitute the bulk of the educated unemployed are compelled to accept these jobs on an ad hoc basis with miserable conditions of service. The Government appears to be exploiting this situation. This is not a sound personnel policy. It is bound to have serious repercussions on the educational institutions and the children studying there. The policy of “ad hocism” followed by the State Government for a long period has led to the breach of Article 14 and Article 16 of the Constitution. Such a situation cannot be permitted to last any longer.”

“.....2. direct the State Government to take immediate steps to fill up in accordance with the relevant rules the vacancies in which teachers appointed on an ad hoc basis are now working and to allow all those teachers who are now holding these posts on ad hoc basis to remain in those posts till the vacancies are duly filled up. The teachers who are now working on such ad hoc basis if they have the prescribed qualification may also apply for being appointed regularly in those posts. The State Government may also consider sympathetically the question of relaxing the qualification of maximum age prescribed for appointment to those posts in the case of those who have been victims of this system of “ad hoc” appointments. If any of the petitioners in these petitions has under any existing rule acquired the right to be treated as a regularly appointed teacher, his case shall be considered by the State Government and an appropriate order may be. passed in his case....”

16. The dictum as held in ***Rattan Lal*** case by the Apex Court was with regard to repeatedly appointing teachers on temporary/*ad hoc* basis by terminating their services before summer vacation and re-appointing new *ad hoc* teachers. Thereafter, this practice led to artificial breaks in service and was deprecated by the Apex Court.

17. In the case of ***State of Haryana v. Piara Singh***³, the Apex Court had authoritatively held that *ad hoc* or temporary employees must be in strict conformity with the constitutional requirements of fairness, transparency, and equal opportunity in public employment as enshrined under Articles 14 and also held that action of merely replacing temporary employees with another set of *ad hoc* workers to be constitutionally impermissible. The relevant portion of the said judgment is extracted as under:

“....46. Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.”

“....47. Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirements of Article 16 should be followed. In other words, there must be a notice published in the

³(1992) 4 SCC 118

appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.”

18. In **Secretary, State of Karnataka and others v. Umadevi and Ors.**, the Constitutional Bench (Five judge Bench) of the Apex Court explained that when the government hires someone on an *adhoc* or temporary basis, it is meant only as a stop-gap arrangement until a regular, lawful recruitment is made, and if the government wants to replace an *adhoc* employee, it must do so only by appointing a regular, properly selected candidate through the established recruitment process, this ensures transparent and lawful recruitment. It is clear that the Constitution Bench, for *adhoc* or Temporary employees, considered the main aspect i.e., substitution of *adhoc* employees cannot be replaced with another set of *adhoc* employees but with regular employees only. It has further discussed about the ratio held in **Piara Singh** case that *adhoc* or temporary employee should not be replaced by another *adhoc* or temporary employee, has not been unsettled.

19. In other words, this aspect of principle of *adhoc* employee cannot be replaced by *adhoc* employee was not set aside and overruled. Hence, even after the dictum of **Umadevi**, the authoritative pronouncement in **Piara Singh** is still stands good and continues to hold the field.

20. In fact, this facet came up in the case of **Dr. Barindar Singh Kaur Vs. Guruvundar**⁴, the Punjab and Haryana High Court in its vivid terms explained that a proposition and ratio held in **Piara Singh** case is with regard to temporary employee who should not be replaced by another temporary employee, which was not disagreed in **Umadevi** dictum by the Constitutional Bench. Para No.16 of the **Dr. Barindar Singh Kaur** case reads as under:-

*“16..... it is clear that the Constitution Bench in the case of **Umadevi** (supra) only disagreed with the last direction in **Piara Singh’s** case (supra) which pertained to regularization of adhoc, temporary or casual employees. The direction in **Piara Singh’s** (supra) that adhoc or temporary employees should not be replaced by other adhoc or temporary employees and should only be replaced by regularly selected employees was also considered but not disagreed with.*

21. The Hon'ble Division Bench of Kerala High Court in **Cochin University of Science and Technology represented by its Registrar & Ors. Vs. Sudheesh Kumar P.S. & Ors.**⁵, in its vivid terms held as under:-

“.....11. As rightly pointed out by the learned counsel for the petitioners, the principle that a temporary employee shall not be replaced by another temporary employee and that he shall be replaced only by a regular employee, is a principle consistently followed the Apex Court

⁴ 2015 SCC Online P&H 12156

⁵ 2023 SCC Online Ker 913

*and various High Courts. As clarified by the High Court of Punjab and Haryana in **Dr. Barinder Kaur**, the said proposition as reiterated in Piara Singh was not disagreed with by the Constitutional bench of the Apex Court in **Umadevi** (3), though it was held Umadevi (3) that such employees do not have any right to claim regularisation and that their engagement ends when their term ends. Of course, the said principle cannot be applied when engagement on daily wage basis is governed by statutory rules.....”*

22. Evidently, at the time of institution of the *lis*, this Court granted interim order dated 04.07.2017, and the same is in subsistence as on today. Thus, the petitioner is continuing to work right from his appointment on contract basis in the 1st respondent University.

23. It is also not in dispute that engagement of the petitioner in the 1st respondent university on contract basis is only way back in the year 2005 itself, which was extended by the respondents from time to time till now also. Even according to the version of the 1st respondent university also, there are no allegations against the petitioner in respect of dereliction of duties (or) indiscipline while extending his services in the 1st respondent university.

24. At this juncture, it is pertinent to go through the impugned circular / notification and its modalities prescribed therein to arrive at a logical conclusion in the instant *lis*. A close perusal of the impugned circular dated 18.05.2017 and notification dated 12.05.2017 go to show that, 1st

respondent university authorities intended to fill up Assistant Professor/Teaching Assistant posts on contract (purely temporary) basis only. Thus, ex facie, the notification issued by the 1st respondent university not relates to filling up regular posts on permanent basis.

25. Admittedly, the 1st respondent university was established way back in the year 2008 and thereafter, the said institution has transformed from one branch to another branch in its own by expanding its academic and administrative structure without interruption. Given its progressive growth and uninterrupted functioning, the university could not have dispensed with its employees in a manner that would adversely affect the academic calendar and the interests of students. In fact, even as per assertion of the 1st respondent university also two notifications were issued in order to fill up the regular teaching posts. But the said notifications stalled due to other reasons, which itself clearly contradicts the version of 1st respondent university that there is no workload for faculty staff.

26. In the case of ***Hargurpratap Singh v. State of Punjab***⁶, the Hon'ble Supreme Court stated that experienced *adhoc* employees should be permitted to continue in their roles until regular employees are made through proper selection procedures. This prevents arbitrary terminations for the sole purpose of hiring new temporary staff. It balances the need for adherence to constitutional recruitment processes with the need for fairness

⁶(2007) 13 SCC 292

to existing employees and administrative continuity in public service, as held under:

“....3.The course adopted by the High Court is to displace one ad hoc arrangement by another ad hoc arrangement which is not at all appropriate for these persons who have gained experience which will be more beneficial and useful to the colleges concerned rather than to appoint persons afresh on ad hoc basis.

27. In the case of ***Manish Gupta and another v. President, JAN BHAGIDARI SAMITI and Ors.***,⁷ the Apex court by relying upon the authoritative dictums held in ***Rattanlal and Hargurpratap Singh Cases*** (stated supra), reiterated the same without any retractions.

28. In the light of above legal position, this Court finds that when a contractual employee is engaged for a specific purpose or tenure under a defined agreement and does not form part of the permanent cadre, but, where the duties performed are perennial, continuous, and essential to the functioning of the establishment, the employer is under a legal obligation to fill such posts through regular and fair recruitment procedures.

29. The practice of replacing one ad-hoc or contractual employee with another *adhoc* or contractual employee amounts to an abuse of the contractual system. It effectively perpetuates temporary employment for work of a permanent nature, thereby defeating the very object of regular

⁷(2022) 15 SCC 540

appointment and undermining the principles of fairness and equality in public employment.

30. The Court is of the considered view that contractual appointments may only operate as a temporary bridge until a regularly selected candidate is appointed. Once the need for the post is shown to be ongoing and essential, the employer cannot justify the continuation of contractual engagement by successive temporary appointments. Any replacement of a contractual employee must therefore be done by a duly selected regular employee, and not by another contractual or *ad hoc* appointee. Permitting otherwise would allow the employer to indefinitely avoid regular recruitment, resulting in arbitrary employment practices and denying eligible candidates the opportunity to compete for regular appointment through proper channels, which cannot be sustained in law.

31. Before parting with the present case, it is deemed appropriate to mention that the responsibility of imparting education is not an optional administrative exercise of the State, but a binding constitutional mandate linked to the future of the nation by virtue of Article 21-A (Right to Education) of the Constitution of India. Education is not a mere administrative function of the State, but a constitutional obligation intimately connected with the future of the nation. Universities are temples of learning where continuity, academic stability and sustained teacher–student engagement are statutes for maintaining standards of higher education.

32. The frequent engagement and disengagement of Assistant Professors on *ad hoc* or contractual basis disrupts fragments academic planning and directly impairs the quality of education imparted to students, who are the ultimate stakeholders in the educational process.

33. Very recently on 30.01.2026, the Hon'ble Apex Court in ***Dr. Jaya Thakur v. Government of India in W.P.(C) No. 1000 of 2022***⁸, established a strong, purposeful view about the importance of Right To Education for every child and it is part of shaping the child's future into better way to live.

The relevant portion of the said judgment reads as follows:

"...17. Education is a fundamental human right, as it ensures full and holistic development of a human being. It is a stepping stone towards realizing other human rights. Education is an integral part of dignity of a child. It is a right, not a charitable concession. It promotes the physical and cognitive development of a child. It also contributes to the realization of the full potential of an individual. Most importantly, it shapes a person's sense of identity and affiliation."

34. At the same time, *ad hoc* teachers, who discharge duties identical to those of regular faculty against sanctioned posts, cannot be treated as disposable resources, subjected to recurring insecurity of tenure and livelihood. Such a system not only undermines the dignity of labour and the right to livelihood but also erodes institutional memory and academic excellence. Our Indian Constitution mandates under Articles 14, 21 and 21-A that the State and its instrumentalities have to balance the right of students to quality and stable education with fair, non-arbitrary employment

⁸ 2026 INSC 97

practices, ensuring that temporary arrangements do not become a permanent mode of administration at the cost of both educational standards and human dignity.

35. In view of the above discussion and also the authoritative constitutional dictums of the Hon'ble Apex Court as detailed supra, this Court is inclined to allow the writ petition with the following directions:-

i. The petitioner herein would be entitled to continue in his respective post till the post is replaced by the permanent candidate by following the due procedure established by law, subject to the availability of a sufficient number of students for the courses for which, the petitioner was appointed.

ii. The respondent authorities be at liberty to issue a fresh notification inviting applications for filling up the said post on a regular/permanent basis in accordance with law.

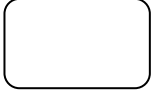
iii. It is made clear that this order shall not preclude the respondent authorities from initiating appropriate disciplinary proceedings, if any, in accordance with law.

There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Date: 31.01.2026

Rns



HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.21904 of 2017

Date:31.01.2026

Rns