
(2026) 08 AP CK 2048

In the Andhra Pradesh High Court, Amaravati

Case No : WRIT APPEAL NO: 1166 OF 2008

Dr. G.V. Ramana Murthy

APPELLANT

Vs

The Commissioner For Collegiate Education & Ors.

RESPONDENT

Date of Decision : 06-08-2026

Acts Referred:

Letters Patent — Clause 15
Code of Civil Procedure — Section 151
Constitution of India — Article 226
Employees Provident Fund and M.P. Act — Section 7-A, 8-B, 8C, 7

Citation : (2026) 08 AP CK 2048

Hon'ble Judges : D. Ramesh, J;Alapati Giridhar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

(Per Hon'ble Sri Justice D.Ramesh)

The intra-court appeal is filed aggrieved by the orders dated 29.4.2008 in W.P.No.35149 of 1998 wherein the learned single Judge, on elaborate consideration of facts and law, has dismissed the said Writ Petition, with the following observations:

"It is not for this Court, in proceedings under Article 226 of the Constitution of India, to sit in appeal over the conclusions recorded by the 1st respondent in the impugned proceedings dated 15.10.1998 or to take upon itself the task of ascertaining the truth or otherwise of the petitioner's contention that he had completed his Ph.D from Sri Krishna Devaraya University much prior to 1990 or his having been engaged as an invigilator for the examinations conducted by the Sri Venkateswara University during the academic year 1989-90 or whether the other part-time lecturers, whose services were regularized, were employed by the 3rd respondent during the academic year 1989-90 or not. It is not even the petitioner's case that the audit report reflects his having worked during the academic year 1989-90 or from 01.11.1989 till 28.2.1990 as claimed by him in the present writ petition. In any event, as is evident from the counter affidavit of the official respondent, G.O.Ms.No.328 dated 15.10.1997 is no longer in force ever since 09.10.1998."

2. Initially the petitioner has filed the Writ Petition to declare the proceedings of respondent no.1 dated 15.10.1998 as arbitrary, illegal and violative of fundamental rights and consequential direction to the respondents to regularize the services of the petitioner as Lecturer in Chemistry.

3. As per the facts narrated in the Writ Petition, the petitioner has completed Ph.D even before submitting his thesis. He joined as part-time lecturer in respondent no.3 college on 01.11.1989 and worked till 28.02.1990 and subsequently again he joined on 01.9.1990 and he continued thereafter. Respondent no.3 college has issued appointment orders as part time lecturer in Chemistry vide proceedings dated 20.9.1990 w.e.f. 01.9.1990.

4. While working, the State Government has issued G.O.Ms.No.328 dated 15.10.1997 formulating a scheme for regularization of services of part time lecturer working in various colleges in the State subject to fulfillment of certain conditions specified therein. According to the said G.O., only who has put in a service of three academic years as on 30.7.1991 or five academic years as on 25.11.1993 as the case may be and also continuing in service as on the date of issuance of G.O. are eligible for regularization. Further, the part time lecturers should have put in 360 working days as on 30.7.1991 and 600 working days as on 25.11.1993 with or without breaks may be taken into account. Further consideration of regularization will be on the basis of certificate issued by concerned Regional Joint Director of Higher Education, which will be on the basis of certificate issued by the Correspondent of the concerned college and counter-signed by the principal of private aided college along with the certificate of audit for the concerned period.

5. In pursuance to the above said proceedings, respondent no.3/ institution has submitted particulars of the part time lecturers working against aided posts for regularization. But for the reasons best known, respondent no.3 has submitted proposals of the petitioner taking service from 01.9.1990 to 25.11.1993 covering only four academic years, though he has worked for 602 academic working days during the period from 01.9.1990 to 25.11.1993. But respondent no.1 has rejected the proposal of respondent no.3 for regularization of the services of the petitioner on the ground that he has not fulfilled the conditions enumerated in G.O.Ms.No.328 dated 15.10.1997.

6. In fact, while submitting the proposals to respondent no.1, respondent no.3 has submitted proposals of all six part time lecturers appointed along with the petitioner on 20.9.1990. Mr. K.Srinivasulu and Smt. M.V.L.Sailaja, Lecturers in Commerce, though they were not given appointment letters in 1989. Further Mr. Yellamandha Rao, part-time lecturer in English, particulars were sent subsequent to the submission of proposals by respondent no.3 by showing working from February 1990 by separate proceedings of respondent no.3. Hence bringing him within the eligibility criteria of five years and respondent no.2 based on the proposals of respondent no.3 sent the report to respondent no.1 stating that the petitioner and some others had not completed five years of service and

accordingly respondent no.1 has rejected the case of the petitioner vide proceedings dated 13.4.1998. But the fact remains even before rejection of the case of the petitioner vide impugned orders dated 13.4.1998 the petitioner has made representation to respondent no.1 on 27.3.1998 bringing it to the notice that he worked from November 1989 to 28.02.1990 inclusive of service certificate issued by Incharge Principal and counter-signed by the Correspondent. Despite the same, without considering the said representation, respondent no.1 has issued rejection orders.

7. Thereafter, the petitioner has made one more representation to respondent no.3 and the same was forwarded to respondent no.1. As respondent no.3 once again sent proposal for regularization of service of the petitioner by including the period of service rendered by the petitioner from 01.11.1989 to 28.02.1990. But surprisingly, respondent no.1 issued proceedings on 15.10.1990 informing the college with the request of regularization of services is not feasible. Aggrieved by the same, the instant Writ Petition is filed.

8. Learned counsel appearing on behalf of the petitioner/appellant has submitted that the learned single judge has rejected the claim of the petitioner only on the ground of not tallying the signatures and discrepancies in two service certificates relied on by the petitioner at page no.18 of Volume I and page no.92 of Volume No.II is not in conformity with the records. For more clarity the said observations are extracted below:

"After the writ petition was heard finally, it was reserved for orders on 14.3.2008. While going through the records, this Court noticed certain discrepancies in the two certificates relied upon by the petitioner at Pages 13 of Volume-1 and page No.92 of Volume-II. Both these service certificates were attested by Dr.C.V.S.Bhaskar on the same day i.e., 28.9.1998. Both the service certificates were verbatim extracts of each other, except that the service certificate at page 18 of Volume-I contained the words "prior to the date of his appointment i.e., 1.9.1990 he has worked as part-time lecturer from 1.11.1989 to 28.2.1990", whereas these words were not to be found in the service certificate at page 92 of Volume No.II. This Court further noticed that, while the signature of the person who issued the certificate at page No.18 of Volume-I was hazy and unclear, the signature, on the certificate at Page No.92 of Volume-II, was that of the Secretary and Correspondent of the college. This Court also noticed that the gap between the last paragraph of the certificate at page No.92 of Volume-II and the signature would not suffice for insertion of the words in italics aforementioned, and, in its proceedings dated 19.3.2008, observed that a perusal of the two service certificates showed, prima facie, that the italicized words may have been inserted into the certificate at Page No.18 of Volume-I subsequently and, if true, it would not only disentitle the petitioner from any relief on the ground that he had approached this Court with unclean hands but would also necessitate his being proceeded against in contempt for trying to mislead this Court."

9. Learned counsel has submitted that the petitioner has filed those documents which are furnished by respondent no.2 office. Hence the petitioner is not responsible and he has nothing to do with the proceedings. Accordingly, the observations made by the learned single judge is baseless and it cannot be said that if any differences in the proceedings, the petitioner has no connection with

that and he is not responsible also. Further, learned single Judge has also failed to consider that identical persons i.e. Sri K.Srinivasulu, Smt. M.V.L.Sailaja and Sri M.Yellamandaraao, B.Satyakumar and V.V.Krishna Reddy cannot be appointed and regularized disseminating the case of the petitioner. Though relevant material is placed along with the Writ Petition, learned single Judge failed to consider the said aspect. Further, the counsel has placed reliance on the order passed by the Assistant Provident Fund Commissioner and authority under Section 7-A of the Act dated 13.3.2006. Wherein, based on certain complaints, proceedings have been initiated under Section 7-A of the Provident Fund Act as against respondent no.3 Institution and finally they found lapses with regard to payment of provident fund to 15 lecturers including the petitioner herein. Finally directing to remit the entire provident fund contribution by way of monthly challan in State Bank of India failing which recovery order would be passed under Section 8-B and 8C of Employees Provident Fund and M.P.Act and prosecution may also be launched. Said orders have been complied by remitting the amount which clearly discloses that the petitioner has worked from 1989 onwards. Further, he also placed reliance on the office of the Special Commissioner of Collegiate Education dated 05.9.2018 wherein the Regional Director of Collegiate Education are directed to obtain records and verify the information from the aided colleges under their jurisdiction in full shape and submit information duly certified proforma of individual lecturers/ subject-wise.

10. Reply to the said proceedings, respondent no.2 has submitted proposals categorically stating that the petitioner has joined duty as part time lecturer in the Department of Chemistry from 01.11.1989 and ended till 28.02.1990. This itself clearly discloses that the petitioner has joined in the year 1989 itself. Based on the above statutory proceedings issued by the Additional Commissioner, E.P.F. vide its order dated 13.3.2006 and the said orders were complied by respondent no.3 institution manifestly declares that the petitioner has joined in the services from November 1989 and worked till 28.02.1990. Hence the petitioner has fulfilled conditions stipulated in G.O.Ms.No.328 dated 15.10.1997 and apart from that even according to the Regional Joint Director's recommendations pursuant to the communication by respondent no.1 on 15.9.2008 clearly discloses that the petitioner has worked in respondent no.3 institution in the year 1989. Hence he is eligible to consider for regularization of his services in terms of G.O.Ms.No.328 dated 15.10.1997. Accordingly requested to set aside the order in Writ Petition and also the orders passed by respondent no.1 dated 15.10.1998 with consequential benefits to the petitioner.

11. Reply to the said contentions, learned Government Pleader appearing on behalf of the respondents have submitted that in fact the petitioner has made categorical statements in the Writ Petition No.14788 of 1997 stating that he is working in respondent no.3 institution from 01.9.1990. But surprisingly in the present Writ Petition, he has not mentioned about filing of the said writ petition in the instant affidavit and in the said Writ Petition there was no mention about working of the petitioner from 01.11.1989 to 28.02.1990. This clearly discloses

that the petitioner has suppressed the fact of earlier Writ Petition i.e. W.P.No.14788 of 1997 and also the specific averments made in the said Writ Petition. This itself clearly discloses that the working of the petitioner from 1989 to 1990 is only an after thought. Hence learned single judge has rightly considered the material placed along with Writ Petition is suspicious. Accordingly rejected the claim of the petitioner by dismissing the Writ Petition. Hence there is no requirement of interference as the learned single Judge has considered each and every aspect while deciding the Writ Petition and has rightly rejected the claim of the petitioner. Hence there is no requirement of the interference with the said order.

12. Learned counsel appearing on behalf of respondent no.3 has made his submissions based on the counter filed in the Writ Petition by respondent no.3. He mainly relied on paragraph no.3 and 5 in the counter which reads as follows:

"After the writ petition was heard finally, it was reserved for orders on 14.3.2008. While going through the records, this Court noticed certain discrepancies in the two certificates relied upon by the petitioner at Pages 13 of Volume-1 and page No.92 of Volume-II. Both these service certificates were attested by Dr.C.V.S.Bhaskar on the same day i.e., 28.9.1998. Both the service certificates were verbatim extracts of each other, except that the service certificate at page 18 of Volume-I contained the words "prior to the date of his appointment i.e., 1.9.1990 he has worked as part-time lecturer from 1.11.1989 to 28.2.1990", whereas these words were not to be found in the service certificate at page 92 of Volume No.II. This Court further noticed that, while the signature of the person who issued the certificate at page No.18 of Volume-I was hazy and unclear, the signature, on the certificate at Page No.92 of Volume-II, was that of the Secretary and Correspondent of the college. This Court also noticed that the gap between the last paragraph of the certificate at page No.92 of Volume-II and the signature would not suffice for insertion of the words in italics aforementioned, and, in its proceedings dated 19.3.2008, observed that a perusal of the two service certificates showed, prima facie, that the italicized words may have been inserted into the certificate at Page No.18 of Volume-I subsequently and, if true, it would not only disentitle the petitioner from any relief on the ground that he had approached this Court with unclean hands but would also necessitate his being proceeded against in contempt for trying to mislead this Court. The representation dated 27-4-98 of the Petitioner addressed to the Correspondent of the College was received along with representation of other P.T. Lecturers through the letter dated 1-5-98 of the Correspondent, V.R.College, Nellore. In the said representation the petitioner stated that, he had worked in V.R.College, prior to 1-9-90 during the academic year 1989-90 and requested for regularization of his service. The Correspondent, V.R.College, Nellore submitted the representation of the Petitioner along with representations of other Part Time Lecturers requesting to consider the cases. Immediately the Regional Joint Director of Higher Education, Guntur was requested to go personally to V.R.College, Nellore and verify the original record and to submit her report. Accordingly the Regional Joint Director of Higher Education, Guntur visited V.R.College, Nellore on 30-9-98. During the course of the verification, the Correspondent of the College stated that the Part Time Lecturers whose proposals were rejected have approached the management stating that they had put up some service in earlier years which was not taken into consideration for regularization of their services and the said representations were forwarded to the Commissioner of Collegiate Education, A.P., Hyderabad. Further the Correspondent stated that the said additional information does not have any reflection in the college records.

To a question why he had submitted the additional information direct to the Commissioner of Collegiate Education, A.P., Hyderabad without intimation to the Regional Joint Director of Higher Education, Guntur, the Correspondent replied that due to the fact that the time given in G.D.Me.Fo.117 Bin dated 16-4-98 was expiring, he had forwarded to the representation direct to the Commissioner of Collegiate Education, Hyderabad. It was not intentional to bye-pass the Regional Joint Director of Higher Education, Guntur.

At the time of verification, the Correspondent, of the College, submitted only copies of the service certificates furnished by the Part Time Lecturers along with copies of examination invigilation duties. No other evidence supporting the service certificates furnished by the Part Time Lecturers were produced. The Secretary & Correspondent has stated that the then management had engaged the services of the Part Condition at Time Lecturers only on confidential basis. Basing on the report of the Regional Joint Director of Higher Education, Guntur and as the petitioner has not fulfilled the condition of 3 academic years and 360 working days as on 30-7-91 or 5 academic years and 600 days as on 25-11-95 his request for regularization was once again rejected vide Commissioner's Proc.L.Dis.No.272/PO, II-1/98, dated 15-10-98.

13. Further he has submitted that the management only forwarded based on the request made by the petitioner for re-consideration and the management did not accede to his request as there was no truth in the said plea and in fact no material is forthcoming from respondent no.3 college to establish that his services were engaged prior to September 1990. In fact on verification of all the records including audit report of the academic year 1989-90, respondent no.3 has come to bonafide conclusion that the services of the petitioner were never engaged prior to 01.9.1990. Hence the petitioner has not worked in 3rd respondent institution before 01.9.1990.

14. Considering the submissions made by all the counsel, though the learned single Judge has made certain observations with regard to two service certificates placed by the petitioner along with the Writ Petition but this Court is not inclined to go into such aspects. But fact remains that on perusal of the observations made that the petitioner failed to mention about the filing of earlier Writ Petition i.e. W.P.No.14788 of 1997 and further the averments made in the said writ petition is also required to be considered. In fact when specifically a issue was raised by the respondent, surprisingly, the petitioner has not taken that it is a typographical mistake. Further the petitioner/appellant has made reliance on the orders passed by the statutory authority under Section 7 of the E.P.F.Act and M.P.Act. But the fact remains that material is not sufficient or suffice to declare that the petitioner has worked in the institute before 01.9.1990. When the G.O.No.328 dated 15.10.1997 prescribes certain conditions for regularization of part-time lecturers working in private aided institutions and mandates three academic years as on 30.7.1991 or five academic years as on 25.11.1993 and 360 & 600 days respectively. Further the counting of said service shall be signed by the concerned Regional Joint Director of Higher Education and counter signed by the Commissioner of Collegiate Education. Said certificate shall be issued by Regional Joint Director based on the certificates issued by the correspondents of the respective colleges and counter-signed by the Principal of

private colleges. In the instant case as the service rendered by the petitioner prior to 01.9.1990 is disputed by respondent no.3 institution and with a categorical statement in the counter that no record is forthcoming with regard to working of the petitioner prior to 01.9.1990 and the said aspect cannot be gone into by the Writ Court. Admittedly the issue involved in the Writ Petition is dispute with regard to the service rendered by the petitioner from November 1989 to February 1990. That should be determined as per the conditions enumerated in the G.O.Ms.No.328 dated 15.10.1997. Admittedly as per the said G.O, the service certificates have to be submitted by the Regional Joint Director based on the certificates issued by the Correspondent of the said institution. Here in the instant case, admittedly respondent no.3 institution has disputed the working of the petitioner prior to 01.9.1990. In fact respondent no.1 has also re-considered the entire issue after re-submission of the proposals by respondent no.3. On perusal of the counter filed by respondent no.1 discloses that respondent no.1 once again requested the Regional Joint Director of Higher Education, Guntur to physically attend the V.R.College, Nellore i.e. respondent no.3 and verify the original records and submit her report. Based on the said directions, the Regional Joint Director of Higher Education, Guntur visited the V.R.College on 30.9.1998 and during the verification, the Correspondent of the College stated that part-time lecturers whose proposal were rejected have approached the Management stating that they have put up some service in the earlier years. Further the report also discloses that no record is found with regard to reflecting the working of petitioner before 1990 in the College records. That itself clearly discloses that respondent no.1 not rejected the claim of the petitioner vide impugned order dated 15.10.1998 automatically, only after due consideration, also after verification of the entire record and as per report of the Regional Joint Director, the impugned orders have been passed.

15. Considering the entire record, learned single Judge has rightly held that as the issue involved in the Writ Petition is factual dispute, hence this Court cannot be gone into and to decide the factual aspect by declaring that the petitioner has worked from 1989 to 1990. Accordingly, learned single Judge has rightly declared that the impugned orders dated 09.10.1998 are in conformity with the G.O.Ms.No.328 dated 15.10.1998. Hence this Court is not inclined to interfere with the findings recorded by the learned single Judge.

16. Accordingly, the Writ Appeal is dismissed. No costs.

As a sequel thereto, interlocutory applications pending, if any, in the writ appeal, shall also stand closed.