

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

**W.P.No.24580 OF 2016**

**Between:**

Mohd. Naseeruddin Farooqui

... **Petitioner**

**And**

The State of Telangana & others.

... **Respondents**

**JUDGMENT PRONOUNCED ON: 29.01.2024**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?

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**SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P.No.24580 OF 2016****% 29.01.2024****Between:**

# Mohd. Naseeruddin Farooqui

... **Petitioner****And**

\$ The State of Telangana &amp; others

... **Respondents**

&lt; Gist:

&gt; Head Note:

**! Counsel for the Petitioner**

: Mr.Sadu Rajeshwar Reddy

**^ Counsel for Respondents**: Ld.G.P.for Education for  
R1 to R3Mr.B.Nalin Kumar, for R4  
and R5Ld.G.P.for Finance &  
Planning Department, for R6  
Ms.K.Padmaja Reddy, for R7

? Cases Referred:

- (1) 2010(1) SC 358
- (2) (2015) 8 SCC 265
- (3) 2020 (2) ALT 381

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P. No. 24580 of 2016****ORDER:**

Heard Mr.Sadu Rajeshwar Reddy, learned counsel appearing on behalf of the petitioner, learned Government Pleader for Education appearing on behalf of respondent Nos.1 to 3, Mr.B.Nalin Kumar, learned counsel appearing on behalf of respondent Nos.4 and 5, learned Government Pleader for Finance and Planning for respondent No.6 and Ms.K.Padmaja Reddy, learned Standing Counsel appearing on behalf of respondent No.7.

**2. The Petitioner approached the Court seeking prayer as under:**

"To issue a writ, order or direction more particularly one in the nature of writ of mandamus in declaring the action of the respondents in issuing the G O Rt.No.269 dt.13.11.2014 and other consequential proceedings Rc.No.28/Admn.V2/2011 dt. 15.11.2014 and also the proceedings of the commissioner of Collegiate Education Telangana State Hyderabad through Proceedings Rc.No.28/Admn.V2/2011 dt.07.08.2015, and Memo No.7584/CE/A2/2012 dt. 07.08.2015 issued by Government of Telangana Higher Education Department and in regularizing the service of the petitioner from the date of disposal of the W.P.No.

30949/2010 dt.29.02.2012 as illegal, arbitrary, and unconstitutional i.e. violation of Article 14 and 39(d) of the constitution of India and Consequently direct the respondents to add the notional increments in the pay scale of the Petitioner from the date of initial appointment of the petitioner as a Lab Boy dt.27.07.1991 or w.e.f. 01.08.1991 i.e., from the date of Joining of the petitioner as a Lab Boy in the 4<sup>th</sup> respondent college by re-fixing the pay scale of the petitioner and notionally regularize the service of the petitioner as a Lab boy in the 4th respondent College retrospectively w.e.f. 01.08.1991 from the date of joining as a Lab boy in the 4th respondent college for Pensionary benefits in the light of the Judgment reported in (2015) of Supreme Court cases 265 i.e., in Amarkant Rai V/S State of Bihar and others in Civil Appeal No.2835/2015 dt.13.03.2015."

**PERUSED THE RECORD :**

**3. The relevant paragraph Nos. 7, 8 and 10 of the Counter affidavit filed by the Respondent Nos.1 to 3, read as under :**

"7. It is submitted that though the petitioner is not eligible as per G.O.Ms.No.212 Finance & Planning dated 23.11.1994, as per the directions of this Hon'ble High Court, he has been regularized from the date of orders of the Hon'ble High Court. Petitioner has accepted the same and submitted his joining report and his pay was also fixed from 29.02.2012. There is no direction to regularize with retrospective effect.

The orders of the Hon'ble Court has become final. And contempt case no.1745/2012 is closed.

**8. The petitioner has accepted the orders of the Commissioner on being regularized from the date of issue of Court orders and it is a settled matter. Therefore he cannot demand retrospective regularization from the date of initial appointment as the Hon'ble Court in earlier writ petition has not entertained the said relief. If such regularizations are given, it would become a precedent to many more cases that would come up with similar relief and would affect the exchequer of the State. Now, the petitioner filing a fresh writ petition for the retrospective regularization is not correct."**

10. In view of the orders of the Hon'ble Supreme Court of India in common judgment dated 06.07.2009 in Manjula Bhashini & others Vs MD A.P. Women's Co-operative Finance Corporation Ltd & ANR (2009) INSC 1135 (6<sup>th</sup> July, 2009) and consequent to the acceptance by the individual, it has become a settled matter as far as this petitioner is concerned."

**4. The relevant portion of the order impugned vide G.O.RT.No.269 dated 13.11.2014 pertaining to the discussion and conclusion, is as under:**

"ORDER: -

The Commissioner of Collegiate Education, Telangana: State, Hyderabad in the letter 9<sup>th</sup> read above has informed that in 1<sup>st</sup> to 4<sup>th</sup> read above, the following four (4) employees have filed W.P. in the Hon'ble High Court of Andhra Pradesh. The Hon'ble Court have made orders as follows: -

**Sri Mohd. Naseeruddin Farooqui, Lab Boy, Mumtaz College, Hyderabad**

"He was appointed as lab boy by the management of the college without prior permission of the Department on 27.7.1991. He has studied upto SSC. He has filed a writ petition No.30949/2010 in the Hon'ble High Court for regularization of Services. The Hon'ble High Court on 29.2.2012 made the following order: -

**"The petitioner was selected by the selection Committee consisting of Government nominee and he was permitted to sign in the permanent register maintained by the management of the college for the academic year 1991, 1992, 1993 and 1994.** Learned Counsel for the petitioner has relied on the judgment reported in State of Karnatka VS M L Kesari wherein the Apex court observed as follows.

"The true effect of the direction is that all persons who have worked for more than ten years as on 10.4.2006 (the date of decision in Uma Devi) without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled for consideration for regularisation".

The Apex court further observed as follows

"If the employee who have completed ten years service and do not possess the educational qualifications prescribed for the post, at the time of their appointment they may be considered for regularization in suitable lower posts".

6. After careful examination of the matter, in order to comply with orders of the Hon'ble High Court in W.P.No.30949/2010, Dt.29.2.2012, & in WP No.33372/2010, Dt.25.4.2012 & in WP No.33585/2010 Dt.25.04.2012 and in WP No.19090/2011, Dt.21.6.2012 and since there is no other alternative expect to implement the Hon'ble High Court orders, Government hereby accord permission to the Commissioner of Collegiate Education, Telangana State, Hyderabad for regularization of the services of the following employees in the vacancies available in their respective colleges with prospective effect only, i.e., from the date of judgment as indicated below, subject to condition that the impugned orders of Hon'ble High Court shall not be quoted as a precedent in any other case: -

Sl.No.	Name of the employee	Regularization of services with effect from
1.	Mohd Naseeruddin Farooqi, Lab Boy, Mumtaz College, Hyderabad	Dated:29.02.2012 i.e., High Court orders in WP No.30949/2010.

**5. The petitioner earlier filed a W.P.No.30949 of 2010 and the relevant portion of the order dated 29.02.2012 passed in W.P.No.30949 of 2010, is as under:**

“Having regard to the facts and circumstances of the case and in the light of the above said judgment of the Apex Court, the respondents are directed to regularize the services of the petitioner. It is made clear that it is for the respondents to take appropriate steps to obtain the approval of the Director of the Collegiate Education and complete all the formalities within a period of two (2) months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.”

**6. The relevant portion of the order dated 26.07.2013 passed in W.A.No.1293 of 2013, is as under:**

“In view of the rival contentions, it has to be seen that the writ petitioners have completed more than 15 years of service in their respective posts and all of them possessed requisite qualifications. The learned Single Judge has gone through all the judgments cited by the learned counsel for the appellants and followed the judgment in M.L.Kesari case, as such, we do not find any infirmity in the Judgment of the learned Single Judge. It has also to be seen that the appellants themselves have regularized the similarly situated employees and also followed the orders in several cases. We have also dismissed similar writ appeals filed by the appellants in W.A.No.1470 of 2012 and batch, basing on the orders passed by this Court earlier on the ground that all those orders have been implemented and the Government has also regularized the services of the similarly placed employees and admitted them into grant-in-aid posts on its own without the orders of the Court. **Having regularized**



**and admitted such employees into grant-in-aid posts, now the appellants cannot complain and file these writ appeals only in some cases, while leaving some other cases. The Supreme Court also confirmed the similar orders dated 05.09.2012 passed by the Division Bench of this Court in W.A.No.1047 of 2012 in S.L.P.No.38336 of 2012 by order dated 07.01.2013. The learned Single Judge has considered all the aspects in proper perspective and passed the impugned orders.** We also take the same view and confirm the impugned orders.

Accordingly, all these Writ Appeals are dismissed."

**7. The relevant portion of the order dated 01.04.2016 passed in C.C.No.1745 of 2012, is as under:**

**"7. Having regard to the assurance given by the learned counsel for the 5<sup>th</sup> respondent and learned Special Government Pleader, I am satisfied that the contempt case need not be kept pending.**

**8. Accordingly, the Contempt Case is closed. All other grievances of the petitioner are left open to work out his remedies. There shall be no order as to costs."**

**8. The relevant portion of the order dated 28.10.2014 passed in SLP (C) No.29508-29511/2013, is as under:**

**"We are not inclined to entertain these special leave petitions, which are dismissed.**

However, the impugned judgment shall not be quoted as a precedent in any other case."

**9. Reply affidavit to the counter affidavit filed by the respondents 1 to 3, in particular, paras 10 and 11, read as under:**

"10. In reply to the para 8 of the counter is that the Commissioner regularized the services of the petitioner from the date of the order of the WP No.30949 of 2010 dt.29-02-2012 and it is not true to say that the petitioner cannot seek or demand retrospective regularization from the date of initial appointment of the petitioner w.e.f. 27-07-1991 or 01-08-1991 from the date of joining in the duty.

11. In reply to the para 9 of the counter is that the said matter is covered in said para 4 and also in other paras filed in the present reply, but the case of Manjula Bhasini & others, the judgment dt.06-07-2009 of the Hon'ble Supreme Court where employees who have completed 5 years of service is not correct and other averments made in the said para are not relevant basing on the latest and subsequent judgment rendered by the Hon'ble Supreme Court of India in Karnataka Vs M.L. Kesari and Uma Devi, wherein if the person who rendered service of more than 10 years as on 10-04-2006 and their services should be absorbed or regularized. If the services of the petitioner is not considered from the date of his initial appointment dt. 27-07-1991 to 01-08-1991 from the date of joining as Lab Boy in the then 4<sup>th</sup> respondent college, now after issuance of the GO Rt

No.269 dt. 13-11-2014, the pensioner's services was regularized w.e.f. 29-02-2012 i.e. from the date of disposal of the WP No.30949 of 2010 dt.29-02-2012 which is prospective regularization and the same is highly arbitrary instead of regularization of services of the petitioner with retrospective operation i.e. w.e.f. from the date of his initial appointment of the petitioner dt.27-07-1991 to 01-08-1991 where the petitioner worked against the clear aided vacant post in 4<sup>th</sup> respondent college and subsequently transferred to the 7<sup>th</sup> respondent college, where the petitioner is retired from service on 31-07-2018 and more than one year is elapsed and he is struggling since the date of his retirement, if the services of the petitioner is not counted for pensioner benefits, petitioner will be put to irreparable and hardship."

**10. The case of the Petitioner, in brief, is as under :**

Petitioner was initially appointed as a Lab Boy on 27.07.1991 and the petitioner joined in service on 01.08.1991 as Lab Boy and is working in Mumtaz College, (A Minority Aided Institution) at Malakpet, Hyderabad, and the petitioner's service was regularized as per G.O.Rt.No.269 dated 13.11.2014 issued by Government of Telangana on the basis of the order dated 29.02.2012 passed by the Hon'ble High Court of Andhra Pradesh at Hyderabad i.e., learned Single Judge in W.P.No.30949 of 2010. Challenging the learned Single Judge order, the Government of Andhra Pradesh preferred an appeal in W.A.No.1293 of 2013 and

the same was dismissed on 26.07.2013. Thereafter, the then Government of Andhra Pradesh approached the Hon'ble Apex Court by filing SLP (C) No.29508-29511/2013 and the same was dismissed on 28.10.2014 by the Hon'ble Apex Court.

It is further the case of the petitioner that for not implementing the order passed by the learned Single Judge in W.P.No.30949 of 2010 dated 29.02.2012, the petitioner filed Contempt Case No.1745 of 2012 against the respondents and the same was closed. In pursuance to the filing of the Contempt Case No.1745 of 2012, the G.O.Rt.No.269 dated 13.11.2014 was issued by the Government of Telangana regularizing the service of the petitioner from the date of the disposal of the W.P.No.30949 of 2010 dated 29.02.2012. Aggrieved by the action of the 1<sup>st</sup> respondent herein in issuing the impugned proceedings dated 13.11.2014 and other consequential proceedings 15.11.2014 and 07.08.2015 in regularizing the service of the petitioner from the date of disposal of W.P.No.30949 of 2010 dated 29.02.2012, the petitioner filed the present writ petition.

**11. The learned counsel appearing on behalf of the petitioner mainly puts forth the following submissions :**

- i) Taking into consideration the judgment of the Apex Court in Karnataka v. Umadevi and ML Kesari's case, the

petitioner's services should be regularized from the date when the petitioner joined in service i.e., on 01.08.1991.

ii) The petitioner was appointed initially as Lab Boy on 27.07.1991 and the petitioner joined in service on 01.08.1991 and the petitioner worked more than ten years as on 10.04.2006 and therefore the petitioner should be regularized duly taking into consideration the services rendered by the petitioner prior to 10.04.2006 for the purpose of: -

- (a) granting notional increments,
- (b) for the purpose of fixing the pay scale of the petitioner for notionally regularizing the services of the petitioner for pensionary benefits to the petitioner.

iii) The specific relief sought for by the petitioner is that the notional increments should be granted to the petitioner with effect from 01.08.1995 i.e., the date of joining of the petitioner as Lab Boy in the 4<sup>th</sup> respondent college till the date of regularizing of the services of the petitioner dated 29.02.2012, which admittedly had not been done in the present case.

iv) Only to avoid payment of pension to the petitioner, the order impugned had been passed regularizing the services of the petitioner with effect from the date of the Judgment dated 29.02.2012 passed in W.P.No.30949 of 2010 and the same is illegal, arbitrary and in violation of the observations of the Apex Court in Karnataka v. Umadevi and ML Kesari's case.

**On the basis of the above submissions, the learned counsel for the petitioner contends that the writ petition should be allowed as prayed for.**

**12. The learned counsel appearing on behalf of the respondents placing reliance on the counter affidavit filed by the respondents 1 to 3 and referring to the Judgment of the Apex Court in "Manjula Bhasini and others v. MD A.P. Women's Co-operative Finance Corporation Limited and another dated 06.07.2009 contends that the petitioner is not entitled for the relief as prayed for the present writ petition.**

The petitioner having accepted the order of the appointment issued to the petitioner vide G.O.Rt.No.269 dated 13.11.2014, regularizing the service of the petitioner from the date of the disposal of the W.P.No.30949 of 2010 dated 29.02.2012, and

having joined in service is estopped from challenging the same. Hence, the writ petition needs to be dismissed.

**DISCUSSION & CONCLUSION :**

**13. The Apex Court judgment dated 03.08.2010 reported in 2010(1) SC 358 in "State of Karnataka and others v. M L Kesari", at paragraph Nos.8 and 10, it is observed as under:**

"8. The object behind the said direction in para 53 of Umadevi is two- fold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi was rendered, are considered for regularization in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad-hoc/casual for long periods and then periodically regularize them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. **The true effect of the direction is that all persons who have worked for more than ten years as on 10.4.2006 (the date of decision in Umadevi) without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled to be considered for regularization.** The fact that the employer has not undertaken such exercise of regularization within six months

of the decision in Umadevi or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularization in terms of the above directions in Umadevi as a one-time measure.

10. The Division Bench of the High Court has directed that the cases of respondents should be considered in accordance with law. The only further direction that needs be given, in view of Umadevi, is that the Zila Panchayat, Gadag should now undertake an exercise within six months, a general one-time regularization exercise, to find out whether there are any daily wage/casual/ad-hoc employees serving the Zila Panchayat and if so whether such employees (including the respondents) fulfill the requirements mentioned in para 53 of Umadevi. If they fulfill them, their services have to be regularized. If such an exercise has already been undertaken by ignoring or omitting the cases of respondents 1 to 3 because of the pendency of these cases, then their cases shall have to be considered in continuation of the said one time exercise within three months. It is needless to say that if the respondents do not fulfill the requirements of Para 53 of Umadevi, their services need not be regularised. **If the employees who have completed ten years service do not possess the educational qualifications prescribed for the post, at the time of their appointment, they may be considered for regularization in suitable lower posts.** This appeal is disposed of accordingly."



**14. The Apex Court judgment dated 13.03.2015 reported in (2015) 8 SCC 265 in "Amarkant Rai v. State of Bihar and others", at paragraph Nos.13,14 and 15, observed as under:**

"13. In our view, the exception carved out in para 53 of Umadevi is applicable to the facts of the present case. There is no material placed on record by the respondents that the appellant has been lacking any qualification or bear any blemish record during his employment for over two decades. It is pertinent to note that services of similarly situated persons on daily wages for regularization viz. one Yatindra Kumar Mishra who was appointed on daily wages on the post of Clerk was regularized w.e.f. 1987. The appellant although initially working against unsanctioned post, the appellant was working continuously since 03.1.2002 against sanctioned post. Since there is no material placed on record regarding the details whether any other night guard was appointed against the sanctioned post, in the facts and circumstances of the case, we are inclined to award monetary benefits be paid from 01.01.2010.

**14. Considering the facts and circumstances of the case that the appellant has served the University for more than 29 years on the post of Night Guard and that he has served the College on daily wages, in the interest of justice, the authorities are directed to regularize the services of the appellant retrospectively w.e.f. 03.01.2002 (the date on which he rejoined the post as per direction of Registrar).**

15. The impugned order of the High Court in LPA No.1312 of 2012 dated 20.02.2013 is set aside and this appeal is allowed. The authorities are directed to notionally regularize the services of the appellant retrospectively w.e.f. 03.01.2002, or the date on which the post became vacant whichever is later and without monetary benefit for the above period. However, the appellant shall be entitled to monetary benefits from 01.01.2010. The period from 03.01.2002 shall be taken for continuity of service and pensionary benefits."

**15. The Division Bench of High Court of Judicature at Amaravati vide its Judgment dated 15.10.2019 in W.P.No.1425 of 2019 reported in 2020 (2) ALT 381 in "State of Andhra Pradesh, School Education Department, Velagapudi, Guntur District and another v. L.B.M. Krishna", dealing with an identical issue observed that the past service of the writ petitioner who is the respondent in the said Writ Appeal before the Court prior to his regularization has to be considered for the purpose of pensionary benefits. The relevant portion of the said Judgment at paragraph Nos.4, 6, 7, 10 and 12 extracted hereunder:**

4. However, after hearing all the concerned and relying upon a judgment of this Court in Devarakonda Sri Lakshmi v. Government of A.P.(1) 2010 (2) ALT 212 + 2010 (2) ALD

165, the Tribunal granted the relief to the applicants therein to the extent of counting the past service prior to their regularisation for the purpose of pension and directed the respondents therein to pass appropriate orders. Thereafter the representation made by the applicants for implementation of the said order came to be rejected on the ground that "to pass appropriate orders" does not mean to accept their request. As such, O.A.No.2889 of 2015 and batch came to be filed which were allowed directing the respondents therein to pass appropriate orders within a period of eight weeks from the date of receipt of the said order. Challenging the order in O.A.No.2889 of 2015 dated 27.04.2017, the present Writ Petition came to be filed by the respondents therein.

**6. The short point that arises for consideration in this Writ Petition is, whether the past services of the applicant in O.As. i.e. prior to their regularisation can be taken into consideration for the purpose of pension?**

**7. In our view this issue is no more res integra. A Division Bench of this Court in Devarakonda Sri Lakshmi(1 supra) held as under:**

"The law is well-settled that the mere form of the order is irrelevant but the surrounding facts and circumstances shall be taken into consideration to find out the true character of the order. Despite the use of a specific expression, the Court has to consider whether the employee had a right to such post. **Particularly when the services rendered by a temporary employee are followed by**

**regularization of his service, there is no reason to exclude the period of temporary service for computing the qualifying service for the purpose of pensionary benefits.**

It is also relevant to notice that Rule 14 of the A.P. Revised Pension Rules, 1980 provides that the services of a Government Servant shall not qualify for pension unless his duties and pay are regulated by the Government or under conditions determined by the Government. Sub-rule (2) of Rule 14 further made it clear that the expression 'service' means that service under the Government and paid by the Government from the Consolidated Fund of the State.

In the light of Rule 14, the true test is whether the services of the employee were regulated by the Government and whether he was paid from the Consolidated Fund of the State. Any period of service which satisfies the above test, in my considered opinion shall be treated as qualifying service for the purpose of Rule 13.

**For the aforesaid reasons, I do not find any substance in the contention of the respondents that the period of service spent by the petitioner on consolidated pay cannot be taken into consideration for determining her qualifying service.**

Accordingly, the impugned action of the respondents in denying the petitioner pensionary benefits is hereby declared as arbitrary and unreasonable."

**10. In view of the judgments of the Apex Court and other High Courts referred to above, we are of the**

**view that the past service of the applicant, who is the respondent herein, prior to his regularisation, has to be considered for the purpose of pensionary benefits.**

12. Viewed from any angle, we find no grounds to interfere with the impugned order and the writ petition is liable to be dismissed.

**16. This Court opines that it is settled law that the period of service spent by the petitioner on consolidated pay also should be taken into consideration for determining petitioner's qualifying service. It is clearly admitted in the counter affidavit filed by the respondents that the petitioner reported to duty on 01.08.1991, but however, in the counter affidavit a plea is taken that the petitioner is not entitled to the relief as prayed for in the present writ petition, in view of the case of Manjula Bhasini and others of the Supreme Court dated 06.07.2009 and that the petitioner having accepted and joined the service in pursuance to the order impugned dated 13.11.2014, the petitioner cannot turn back and challenge the same and the said order is binding on the petitioner. This Court opines that the plea of the respondents 1 to 3 herein that consequent to the acceptance of the petitioner and the petitioner joining into the service in pursuance to the**

impugned proceedings vide G.O.Rt.No.209 dated 13.11.2014 of the 1<sup>st</sup> respondent, the petitioner cannot turn around and challenge the same by filing the present writ petition is untenable and is rejected. This Court opines that the Judgment of the Supreme Court in 'Manjula Bhasini and others' dated 06.07.2009 has no application to the facts of the case because that Judgment refers to employees who had completed five years of service.

17. This Court opines that the petitioner having rendered continuous service as an employee to the 4<sup>th</sup> respondent herein, prior to the petitioner being conferred with the permanent status is entitled for consideration of the said period of service till date of petitioner's regularization for computing qualifying service for the payment of pension. It is not in dispute that the petitioner worked continuously since 1991 as Lab Boy in the 4<sup>th</sup> respondent institute even as per the counter filed by the respondents 1 to 3 and hence the petitioner is entitled to pension as a matter of Right for the service rendered by the petitioner on a temporary basis continuously prior to petitioner being conferred with a permanent status.

18. Taking into consideration the aforesaid facts and circumstances of the case and duly taking into consideration the law laid down by the Apex Court and other High Courts in various judgments (referred to and extracted above) (1) the judgment dated 03.08.2010 reported in 2010(1) SC 358 in "State of Karnataka and others v. M L Kesari", (2) judgment dated 13.03.2015 reported in (2015) 8 SCC 265 in "Amkant Rai v. State of Bihar and others", (3) the judgment of the Division Bench of High Court of Judicature at Amaravati dated 15.10.2019 in W.P.No.1425 of 2019 reported in 2020 (2) ALT 381 in "State of Andhra Pradesh, School Education Department, Velagapudi, Guntur District and another v. L.B.M. Krishna", the Writ Petition is allowed and respondent No.1 is directed to consider the request of the petitioner to notionally regularize the service of the petitioner as a Lab Boy in the 4<sup>th</sup> respondent college retrospectively from the date of initial appointment of the petitioner as Lab Boy in the 4<sup>th</sup> respondent college duly taking into consideration the past service of the petitioner prior to petitioner's regularization for the purpose of pensionary benefits i.e., with effect from 01.08.1991 i.e., from the date of joining of the petitioner as

**Lab Boy in the 4<sup>th</sup> respondent college by adding the notional increments with effect from 01.08.1991 in the pay scale of the petitioner and refix the pay scale of the petitioner for pensionary benefits taking into consideration the law laid down by the Apex Court and High Court in the various judgments (referred and extracted above), and pass appropriate orders, within a period of three (03) weeks, from the date of receipt of a copy of this order, and duly communicate the decision to the petitioner. However, there shall be no order as to costs.**

Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

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**SUREPALLI NANDA, J**

Date: 29.01.2024

**Note** : L.R. Copy to be marked.  
B/o. *Yvkr*