APHC010025402022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.1700 of 2022

Between:

1. DR.P.SURESH BABU, S/O. RANGA RAO, AGED ABOUT 46 YEARS, OCC. ASSISTANT PROFESSOR (C), DEPT. OF MANAGEMENT, RAJIV GANDHI UNIVERSITY OF KNOWLEDGE TECHNOLOGIES, ONGOLE CAMPUS, KADAPA DISTRICT, R/O. DOOR NO. 33-55-922, SRINAGAR COLONY, NEAR RAMALAYAM, LAWYERPET, ONGOLE, PRAKASAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPT., A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DIST.
2. THE COMMISSIONER/DIRECTOR OF SCHOOL EDUCATION, ANDHRA PRADESH, VIJAYAWADA, KRISHNA DISTRICT.
3. RAJIV GANDHI UNIVERSITY OF KNOWLEDGE TECHNOLOGIES, ONGOLE CAMPUS, KADAPA DISTRICT,

...RESPONDENT(S):

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 therefore prayed that this Honourbale Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring that the action of the 3rd respondent, in issuing the Proceedings No. IIIT Ongole/OGL/AO/Estt/Office Order/2019-20/01, dated 03.12.2019, down grading the pay of the petitioner from time to time from Rs.65,000/- to Rs.40,000/-, by obtaining his signature forcibly threatened to discontinue his from service, without any guidelines of whatsoever, contrary to law, contrary to the pay fixed at the time of his initial

appointment, as highly illegal, wholly arbitrary, improper, irrigational, unjust, contrary to law, violative of principles of natural justice, violative of Articles 14, 16 and 21 of the Constitution of India and unconstitutional, by holding that the 3rd respondent ought to have continue the services of the petitioner on the terms and conditions as per the selection committee minutes of the university (copy enclosed) including the pay stipulated at the time of his initial appointment, with all consequential benefits.

Counsel for the Petitioner:

1. THANDAVA YOGESH

Counsel for the Respondent(S):

1. GP FOR HIGHER EDUCATION
2. SIVA KUMAR M (SC FOR RGUKT)

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.1700 of 2022

ORDER:

The Writ Petition is filed questioning the action of the 3rd respondent in issuing the proceedings No.IIIT Ongole/OGL/AO/Estt./ Office Order/2019-20/01, dated 03.12.2019, down grading the pay of the petitioner from time to time from Rs.65,000/- to Rs.40,000/- by obtaining the signature of the petitioner forcibly threatening the petitioner will be discontinued from service, without any guidelines of whatsoever, contrary to law, contrary to the pay fixed at the time of his initial appointment.

2. The affidavit that filed in the support of the writ petition demonstrates that two notifications dated 09.04.2017 and 23.04.2017 were issued, inviting application from the interesting candidates for several posts; one such post is management. The petitioner, who fulfilled all the requisite qualifications as per AICTE norms, was selected as Professor temporarily on contract basis as per the minutes of the Selection Committee dated 10.05.2017. However, the petitioner was given an appointment in Management Department purely on temporary basis for a period of one year on a consolidated remuneration of Rs.1.00 lakh per month in the 3rd respondent-University, vide

proceedings No.IIIT/OGL/RGUKT-AP/Estt/2017, dated 05.07.2017. The petitioner was reported to duty on 17.08.2017. Pursuant to the said appointment order, the petitioner was issued Employee ID Card, vide I.D.No.2172302, stating his designation as Senior Faculty (Contract) in the Management Department. Further, the petitioner was given additional charge of the post of Finance Officer (I/c) vide Order No.RGUKT/OGL/Director/Additional Charge as FO/2017-18/3, dated 31.08.2017.

3. While the petitioner performing his duties as Guest Faculty, the Director of Dr. A.P.J.Abdul Kalam IIIT Ongole, RGUKT-AP, issued a Circular dated 11.06.2018, for renewal of services for Guest Faculty working for IIIT Ongole for the academic year 2018-19, i.e., upto 10.05.2019. The 3rd respondent renewed the services of the petitioner through proceedings dated 29.07.2018. Pursuant to the same, the petitioner's pay was fixed at Rs.1.00 lakh and this is clear from the salary certificate dated 09.05.2019.

4. It is further stated that the Committee was re-constituted on 28.05.2019 to consider various issues related to RGUKT, and recommended that the services of existing senior faculty to be continued in the IIIT Ongole as it is. The petitioner stated that in

pursuance of the said recommendations, the Director of Dr. APJ Abdul Kalam IIIT Ongole, RGUKT-AP, issued Proceedings No.IIIT Ongole/ RGUKT/Director/Order/Renewal/2019-20/06, dated 29.06.2019, duly renewing the services the petitioner for further period from 01.06.2019 to 31.05.2020 by fixing the pay at Rs.65,000/- per month.

5. Be that as it may, the Director IIIT Ongole, issued office order dated 03.12.2019 in No.RGUKT/OGL/AO/Estt/Office order/2019/20/21, re-designating Senior Faculty as Assistant Professor and fixing the monthly salary at Rs.40,000/- per month w.e.f., 01.11.2019. The said office order dated 03.12.2019 was assailed in the present writ petition, on the grounds that reduction of pay as per their whims and fancies, without any guidelines, which is un-tenable in the eye of law. The 3rd respondent-University ought to have been issued a speaking order, in respect of reducing the pay from time to time. It is further stated that the authorities of the 3rd respondent-University forcibly obtained the petitioner's consent to downgrade the pay from Rs.65,000/- to Rs.40,000/- threatening to terminate his services. If the illegal action of the authorities of the 3rd respondent-University is permitted, the petitioner will be put to irreparable loss, great suffering and grave hardship, since the petitioner is not in a position to survive in the society

with his family along with his old aged parents. Hence, prayed to direct the 3rd respondent-University to retain and continue the petitioner in service by protecting his pay prior to the issuance of the proceedings No.IIIT Ongole/OGL/AO/Estt/Office Order/2019-20/01, dated 03.12.2019 issued by the 3rd respondent.

6. The learned counsel for the petitioner hereby reiterates and reinforces the averments made in the affidavit and relied on the order of a co-ordinate bench of this Court in W.P.No.33043 of 2023 dated 01.09.2025. A learned Single Judge has opined that *in the absence of any such distinction, the appointment of the Petitioner (therein) through a public notification for contract employee, minutes of the selection committee, designation as "Assistant professor" and the full time duties given to the Petitioner i.e. Controller of Examinations/Administrative Officer as mentioned supra is not inclined to treat the Petitioner differently than any other senior faculty contract employee. Further, this Court taking note of the academic qualifications is of the opinion that the Petitioner would be entitled for the minimum scale of pay as is given to regular Associate Professor and directed the respondents to pay minimum scale attached to the post of 'Assistant Professor.* While delivering the order, the following judgment of the Apex Court was

referred to in the case of Shah Samir Bharatbhai v. State of Gujarat, reported in 2025 SCC OnLine SC 1788

7. The Apex Court said that that the contractually appointed Assistant Professors shall be entitled to the minimum pay scale admissible to Assistant Professors. The Apex Court observed especially in paragraphs 4, 5, 18, 22 and 33 which read as under:

> *"4. Academicians, lecturers and professors are the intellectual backbone of any nation, as they dedicate their lives to shaping the minds and character of future generations. Their work goes far beyond delivering lessons—it involves mentoring, guiding research, nurturing critical thinking, and instilling values that contribute to the progress of society.*
>
> *However, in many contexts, the compensation and recognition extended to them do not truly reflect the significance of their contribution. When educators are not treated with dignity or offered respectable emoluments, it diminishes the value a country places on knowledge and undermines the motivation of those entrusted with building its intellectual capital. By ensuring fair remuneration and dignified treatment, we affirm the importance of their role and reinforce the nation's commitment to quality education, innovation, and a brighter future for its youth.*

5. It is just not enough to keep reciting gurubramha gururvishnu gurdevo maheshwarah at public functions. If we believe in this declaration, it must be reflected in the way the nation treats its teachers.

18. Analysis: More than the justifiable claim for parity, it is rather disturbing to see how lecturers, holding the post of Assistant Professors, continue to be paid and subsist on such low salaries for almost two decades.

22. In Sabha Shanker Dube v. Divisional Forest Officer, 2019 (12) SCC 297 while drawing the distinction between claims for regularization, and parity in pay, this Court affirmed the constitutional principle of equal pay for equal work and held:

"12. In view of the judgment in Jagjit Singh [State of Punjab v. Jagjit Singh 5], we are unable to uphold the view of the High Court that the appellants herein are not entitled to be paid the minimum of the pay scales. We are not called upon to adjudicate on the rights of the appellants relating to the regularisation of their services. We are concerned only with the principle laid down by this Court initially in Putti Lal [State of U.P. v. Putti Lal 6], relating to persons who are similarly situated to the appellants and later affirmed in Jagjit Singh [State of Punjab v. Jagjit Singh], that temporary employees are entitled to minimum of the pay scales as long as they continue in service." (emphasis supplied)

> *33. It is disturbing that Assistant Professors are getting monthly emoluments of Rs. 30,000/-. It is high time that the State takes up the issue and rationalize the pay structure on the basis of functions that they perform. For the present we have followed the decisions of the Gujarat High Court in* **Acharya Madhavi Bhavin & 115 vs State Of Gujarat** *order dated 07.09.2016 and* **State Of Gujarat vs Gohel Vishal Chhaganbhai** order dated 14.02.2023 *to grant appellants the same relief as in those cases. We leave it open to the appellants and such similarly placed Assistant Professors to work out their remedies before the High Court in view of their continued service for a long period. It is for the High Court to consider the same and pass orders as per law.*

8. The 3rd respondent-University filed counter affidavit, denying all contentions in the writ petition. *Inter alia*, the University contended that the selection committee lacked the competence to select the petitioner as a Professor in Management subject, as the committee doesn't pertain to that specific subject and selection is against to the guidelines of UGC/AICTE and the Vice-Chancellor name was not found in the minutes. However, it is admitted that the petitioner was selected as Professor and the identity card has been issued.

9. In the case of Narendra Kumar Chandla Vs State of Haryana of reported in 1994 (4) SCC 460, the Hon'ble Apex Court had held that the right to livelihood is protected under Article 21 of the Constitution of India and hence, if an employee suffers from any disability during his services, his rank and salary cannot be reduced and that the employee therein would be entitled to pay protection.

10. The Apex Court in the case of Jaipal Vs State of Haryana reported in (1988) 3 SCC 354 held that at paragraphs 6 and 7, relevant portion is extracted hereunder:

> Para 6: The doctrine of equal work equal pay would apply on the premise of similar work, but it does not mean that there should be complete identity in all respects. If the two class of persons do same work under the same employer, with similar responsibility. under similar working conditions the doctrine of 'equal work equal pay' would apply and it would not be open to the State to discriminate one class with the other in paying salary. The State is under a Constitutional obligation to ensure that equal pay is paid for equal work.
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> Para 7: The respondents' contention that the adult education scheme is temporary, as the posts are sanctioned on year to year basis and as such the instructors are not entitled to claim equality with the squad teachers as the scheme under which they work of a permanent nature is misconceived.

> There is no doubt that instructors and squad teachers are employees of the same employer doing work of similar nature in the same department therefore the appointment on a temporary basis or on regular basis does not affect the doctrine of equal pay for equal work. Article 39(d) contained in Part IV of the Constitution ordains the State to direct its policy towards securing equal pay for equal work for both men and women. Though Article 39 is included in the Chapter of Directive Principles of State Policy, but it is fundamental in nature. The purpose of the Article is to fix certain social and economic goals for avoiding any discrimination amongst the people doing similar work in matters relating to pay. In view of these authorities it is too late in the day to disregard the doctrine of equal pay for equal work on the ground of the employment being temporary and the other being permanent in nature. A temporary or casual employee performing the same duties and functions is entitled to the same pay as paid to a permanent employee.

11. According to the respondents, the selection of the petitioner was Guest Faculty and the committee lacked the competence to select the petitioner as a Professor in Management subject. The guest faculty lecturer will be appointed on temporarily, till the posts are filled on regular basis, meaning thereby that the guest faculty lecturers are only

a stop gap arrangement and cannot be treated as part of a regular strength of the cadre in which they are working.

12. The petitioner was legally appointed and he was duly qualified on the date of appointment and till date, his service has been satisfactory. The petitioner has been working in this post since 17.08.2017 continuously and has completed about more than 9 years in this post. In neither of the minutes recorded for down grading the petitioner’s pay, it was noted that the guest faculty does not discharge the functions like any other regular faculty.

13. Pay protection is a right of the petitioner. Salary cannot be reduced arbitrarily, especially when the petitioner was appointed at a specific pay scale. And the reduction of the petitioner's salary would be considered arbitrary. That, the petitioner and other similarly placed guest faculties are entrusted with the task of completing the entire syllabus and the Court presumes that the petitioner is entrusted the work to conduct exam and to evaluate the answer sheets. Thus, the petitioner virtually discharges every function which is assigned to a regular employee. It will be unjust in not paying the salary attached to a regular Professor / Assistant Professor.

14. Therefore, the present writ petition is allowed, directing the respondents to pay the minimum pay scale attached to the post that discharged by the petitioner w.e.f., the date of the office order dated 03.12.2019. If any arrears due, that shall be cleared with a period of (3) three months from date of receipt of the order. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 07.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.1700 of 2022

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