



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2024
(Arising out of SLP(C) No.5063 of 2014)

COMMNR.OF INTERMEDIATE EDUCATION Appellant(s)

VERSUS

Y. KUMAR SWAMY & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. _____ OF 2024
(Arising out of SLP(C) No.10271 of 2014)

CIVIL APPEAL NO. _____ OF 2024
(Arising out of SLP(C) No.10272 of 2014)

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. The appeals challenge the judgment and order dated 29.11.2013 passed by the High Court of Judicature of Andhra Pradesh at Hyderabad, thereby directing the appellants, who were the various officers of the State Government to remain present in the Court and show cause as to why an action for committing contempt of the Court be not initiated against them.

3. In a writ petition filed by the respondents, interim order(s) came to be passed by the High Court, directing that the writ petitioners shall be continued in service for a period of six weeks from the said date. However, on an application filed by the State, the interim order(s) came to be vacated.

4. The order vacating the interim order(s) specifically notes that the writ petitioners were not appointed on regular basis and that they were appointed on contractual basis. It also notes that subsequently the State had made regular appointments after undertaking a selection process through Public Service Commission.

5. While doing so, the State had also adopted the principle of last come first go with regard to the lecturers, who were already working on contractual basis.

6. In that view of the matter, we do not find that the High Court was justified in issuing notice of contempt and that too directing the officer of the Government to remain personally present on the very first day.

7. This court had reiterated, time and again, that the personal presence of the Government Officers should not be casually directed by the Courts, inasmuch as they are required to be on field for performing their official duties.

8. In that view of the matter, we find that the impugned judgment and order passed by the High Court is not sustainable.

9. The appeals are allowed. The impugned judgment and order dated passed by the High Court dated 29.11.2013 are quashed and set aside.

10. Pending application(s), if any, stand(s) disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

New Delhi
November 27, 2024

ITEM NO.5

COURT NO.2

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5063/2014

[Arising out of impugned final judgment and order dated 29-11-2013 in CC No. 416/2013 passed by the High Court of Andhra Pradesh at Hyderabad]

COMMNR.OF INTERMEDIATE EDUCATION

Petitioner(s)

VERSUS

Y. KUMAR SWAMY & ORS.

Respondent(s)

WITH

SLP(C) No. 10272/2014 (XII-A)

SLP(C) No. 10271/2014 (XII-A)

Date : 27-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Rajiv Kumar Choudhry , AOR

Ms. Prerna Singh, Adv.

Mr. Guntur Pramod Kumar, AOR

Mr. Dhruv Yadav, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed non-reportable judgment.
3. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)

ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)

COURT MASTER (NSH)

[Signed non-reportable judgment is placed on the file]