

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

**WRIT PETITION Nos.16670, 17379, 19565, 19628, 20548,
21596 of 2019 & 1908, 2065, 2827, 3966, 4190, 13461,
14983, 16407 & 17338 of 2020**

COMMON ORDER:

In this batch of writ petitions, since the petitioners have raised the same grounds, all the writ petitions are being disposed of by this common order.

2. The Government of Andhra Pradesh vide G.O.Ms.776 Food and Agriculture (AGRI.II) Department, dated 15.09.1989 had notified the Andhra Pradesh Horticultural Service Rules, 1989. These rules regulated the categories of posts available, the method of appointment, reservation in appointments, qualifications etc., relating to the said service. Subsequently, these rules were amended by G.O.Ms.No.4, dated 07.01.2011 and G.O.Ms.No.186, dated 27.09.2020. The other rules, which would be applicable to the service would be the Andhra Pradesh State and Subordinate Service Rules, 1996 vide G.O.Ms.No.436 General Administration (Services D) Department, dated 15.10.1996. Thereafter, the Government issued G.O.Rt.No.792 Agriculture and Cooperation (H&S) Department, dated 07.11.2015, giving permission for contracting services of 1200 Multipurpose Extension Officer (MPEOs) Horticulture. The qualifications set out in G.O.Rt.No.792 Agriculture and Cooperation (H&S) Department, dated 07.11.2015 were modified subsequently by the

Government vide G.O.Rt.No.297 Agriculture and Cooperation (HORTI. & SERI.) Department, dated 28.04.2016. Under G.O.Rt.No.792 Agriculture and Cooperation (H&S) Department, dated 07.11.2015, the education qualification for the post of MPEO Horticulture was 1) B.Sc (Hort.), B.Sc. (Agri.), Horticulture Polytechnic Diploma Holders (Dr.YSRHU/ recognized Universities) and ordinary B.Sc./M.Sc. with Horticulture (as Optional subjects) in the second preference; 2) Order of preference will be given to candidates having B.Sc., (Hort.) Degree or B.Sc.(Agri.) followed by Horticulture Polytechnic Diploma holders and then ordinary B.Sc., Degree with Horticulture as one of the Optional subjects. These qualifications were modified in the following manner by G.O.Rt.No.297 Agriculture and Cooperation (HORTI. & SERI.) Department, dated 28.04.2016.

Sl.No.	Category	Qualifications now in the order of priority
1.	Category-I	4 years B.Sc., (Hort.) and B.Sc., (Ag)., from any University recognized by UGC.
2.	Category-II	Horticulture Polytechnic Diploma Holders (Dr.YSRHU)
3.	Category-III	B.Sc or M.Sc., with Horticulture as one of the Optional subjects and from any recognized University in Andhra Pradesh.
4.	Category-IV	B.Sc., (BZC.) from any recognized University in Andhra Pradesh

It appears that various persons had been appointed as Horticulture MPEOs by virtue of the recruitment taken up under these G.Os.

3. In the year 2019, the Government of Andhra Pradesh created Village Secretariats for various purposes by way of G.O.Ms.No.110 Panchayat Raj & Rural Development (MDL-I) Department, dated 19.07.2019. The said G.O contained various details relating to the functions and services that were to be delivered by these Village Secretariats and the various functionaries that could be appointed to carry out these functions. In that process, the post of Horticulture Assistants was also identified as one of the post that would be included in the Village Secretariat.

A) Clause 14 (vi) of G.O.Ms.No.110 specified that the recruitment of the Secretariat functionaries shall be done in accordance with respective Service Rules under the supervision of the Committee of Secretaries constituted for that purpose. This was taken to mean that the qualifications and other recruitments for Village Horticulture Assistants would mean the qualifications for Horticulture MPEOs, which were --

1. Must possess 4 years B.Sc., Horticulture/B.Sc., (Hons.) Horticulture of Recognised University in the state (or) any other university accredited by the Indian council of Agricultural research (ICAR) Ministry of Agriculture and farmer's Welfare, Govt. Of India, New Delhi.
2. Must possess 2 years Diploma in Horticulture (from Dr.YSRHU/LANGRAU recognised)

3. B.Sc., or M.Sc., with Horticulture as one of the optional subjects from any recognized university in Andhra Pradesh.
4. B.Sc., (B.Z.C.) from any recognized university in Andhra Pradesh.

Subsequently, Notification No.01/Horti/2019, dated 26.07.2019, was issued calling for applications from eligible candidates for various posts including Village Horticultural Assistants.

B) This notification in paragraph No.3 prescribed qualifications 1 and 2 mentioned above as the educational qualifications required for the post of Village Horticulture Assistant. Paragraph No.3 (A) went on to add qualifications 3 and 4 also. However, the note to this paragraph No.3 (A) specified that serial Nos.3 and 4 qualifications would be applicable only for MPEOs/MIAOs and Field Consultants, working in the Department of Horticulture, Government of Andhra Pradesh.

4. Candidates, who were not working as MPEOs/MIAOs and Field Consultants, who passed B.Sc. (BZC) degree, filed writ petitions challenging the notification which reserved qualifications 3 and 4 to be available only to MPEOs. Even while the said challenge was pending, the respondents again issued Notification No.1/Horti/2020, dated 10.01.2020, for filling 1783 posts of Village Horticultural Assistants, which are said to have remained vacant after the exercise undertaken

pursuant to the earlier notification dated 26.07.2019. Some of the petitioners had again challenged the fresh notification as the same provision reserving the benefit of qualifications 3 and 4 to MPEOs/MIAOs and Field Consultants was continued.

(C) In the 2nd notifications dated 10.01.2020, the educational qualifications required for the post were stipulated in paragraph No.3. Here again, only qualifications 1 and 2 were prescribed. Qualifications 3 and 4 were not included in the educational qualifications. However, by a corrigendum to the notification, qualifications 3 and 4 were brought in only for candidates who were working as MPEOs/MIAOs and Field Consultants. The Government by this withdraw, qualifications 3 and 4 were totally removed as educational qualifications for both candidates such as the petitioner and candidates such as MPEOs/MIAOs and Field Consultants, working in the Department of Horticulture, Government of Andhra Pradesh.

5. Heard Sri Ghanta Rama Rao, learned Senior Counsel and Sri Y.Koteswara Rao, learned counsel for the petitioners and the learned Government Pleader for Services.

6. Sri G.Rama Rao, learned Senior Counsel appearing for Sri Venkateswarlu Gadipudi, learned counsel for the petitioners submits that both the petitioners herein as well as the MPEOs/MIAOs and Field Consultants, working in the Department of Horticulture, would have to be treated as

belonging to the same category of persons and any discrimination shown between the petitioners, who are not working with the Government of Andhra Pradesh and the MPEOs/MIAOs and Field Consultants, who are working in the Government of Andhra Pradesh, cannot be treated as two separate categories of persons. Any such categorization would have to fail.

7. Sri G.Rama Rao, learned Senior Counsel further submits there are two limbs for the test of Article-14. Firstly, there must be a discernible differentia between two groups of people, which is the basis for treating them as differently placed groups and secondly, that differentia is to have nexus to the object of the categorisation. He submits that there is neither any differentia between the two categories of people and even assuming there is such differentia, the said differentia has no nexus to the object of the categorisation as the objective of exercise is recruitment of properly qualified person as Village Assistant Horticulturists.

8. Sri G.Rama Rao, further submits that the petitioners herein should also be given the same benefit as MPEOs/MIAOs and Field Consultants working with the Government of Andhra Pradesh and the cases of the petitioners, should be considered by the respondents by accepting B.Sc.,(BZC) Degree as sufficient educational qualification even in the case of the petitioners.

9. It appears that the same issue was raised before this Court in W.P.No.1550 of 2019. This Court after considering this issue had held as follows:

“Learned Government Pleader, on instructions, would submit that, according to the relaxation in educational qualifications, as per para-3(A) of Notification No.01/Horti/2019, dated 26.07.2019, the person possessing qualification of B.Sc.(BZC) can also apply for the post, but it is only applicable for the persons working as MPEOs/MIAOs and Field Consultants in the department of Horticulture, Government of Andhra Pradesh.

It is not disputed by petitioner’s counsel that the petitioner is not working as either MPEO or MIAO or Field Consultant in the department of Horticulture, Government of Andhra Pradesh. Thus, the petitioner does not possess the requisite for applying for the post of Village Horticulture Assistant, as specified in para-3 of the notification. Hence the grievance of the petitioner cannot be redressed in this writ petition.”

10. The present writ petitions would have to be dismissed as the contentions raised by the petitioners in the present set of writ petitions are not in any manner different from the contentions raised in the earlier round of litigation. Further, the Notification issued on 10.01.2020 does not give any additional benefit to the MPEOs/MIAOs and Field Consultants, working in the Department of Horticulture as they are also not eligible if the educational qualifications claimed by them fall within qualification Nos.3 or 4, which were included and

subsequently removed from consideration by two separate corrigenda.

11. Accordingly, these writ petitions are dismissed.
There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J

22.12.2020

Note: Issue C.C. in 3 days.
B/o.
RJS

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION Nos.16670, 17379, 19565, 19628, 20548,
21596 of 2019 & 1908, 2065, 2827, 3966, 4190, 13461,
14983, 16407 & 17338 of 2020

22nd day of December, 2020

RJS