

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION Nos. 11931, 8716, 8717, 9526,
9547, 9553, 9569, 13541, 13542, 13916, 14021,
14582, 15725 and 2023

ORAL COMMON ORDER:

Heard Sri V. Nitesh, learned Counsel for the Writ Petitioner in W.P.No.11931 of 2023; Sri L. Sai Manoj, learned Counsel appearing on behalf of M/s Indus Law Firm in W.P.Nos.8716 and 8717 of 2023; Sri Srinivasa Rao Narra, learned Counsel for the Writ Petitioners in W.P.No.9526 of 2023; W.P.No.9547 of 2023; W.P.No.9553 of 2023; W.P.No.9569 of 2023; W.P.No.13916 of 2023; W.P.No.14021 of 2023; W.P.No.14582 of 2023 and W.P.No.15725 of 2023; Sri Ravi Kiran Ponnuru, learned Counsel for the Writ Petitioners in W.P.No.13541 of 2023 and W.P.No.13542 of 2023; Sri M.S.R. Chandra Murthy, learned Standing Counsel for NREGS and Sri Y.B. Ramesh, learned Assistant Government Pleader for Services-IV.

2. Ld. Counsel for the Parties has placed on record the Memo bearing No.PRR05-39021/193/2023-HOD SHG SEC-CORD, dated 07.11.2023 indicating that the counselling has been undertaken by the Official Respondents on various dates as indicated in the schedule starting from 07.11.2023 to 17.11.2023. During the course of hearing, the attention of this Court has been drawn to the 'preference' that is indicated in the Proceedings (dated 07.11.2023) issued by the Official Respondents, which is sought to be adopted in the counselling process for various categories. The Counsel for the Writ Petitioners stoutly oppose this 'preference' on the ground that it leads to invidious discrimination against the Writ Petitioners.

3. Sri M.S.R. Chandra Murthy, Ld. Standing Counsel for NREGS, on instructions, has submitted that the Official Respondents have also decided to do away with the practice of 'preference' that is sought to be given in respect of various categories and that all the participants shall be treated equally basing on seniority.

4. Since the counselling is scheduled to be held between 14.11.2023 and 15.11.2023 as per the Sl.No.47 of counselling schedule, this Court deems it appropriate to direct the Official Respondents to permit the Writ Petitioners to participate in the counselling. This Court further directs that the Official Respondents shall not observe the 'preference' in categories as mentioned in its Proceedings dated 07.11.2023. It is further directed that all the participants shall be treated equally without following any 'preference' whatsoever in the process of counselling. This counselling shall apply to the posts of Technical Assistants and Computer Operators-cum-Accountants.

5. **Assistant Programme Officers & Engineering Consultants:**

Following Writ Petitioners are the Assistant Programme Officers & Engineering Consultants.

- i) W.P.No.8716 of 2023 – Writ Petitioner Nos.23 and 42;
- ii) W.P.No.8717 of 2023 – Writ Petition Nos.28, 29 and 32;

- iii) W.P.No.9547 of 2023 – Writ Petitioner No.8.
- iv) W.P.No.14021 of 2023 – Writ Petitioner Nos.1 & 2 (Writ Petitioner No.2 is a Engineering Consultants)
- v) W.P.No.15725 of 2023 – Writ Petitioner.

6. It is further directed that insofar as the Assistant Programme Officers are concerned, since the Ld. Counsel for the Respondents has submitted that this is a State Level Post, and therefore, they cannot resist transfer, and that the Writ Petitioners (APOs) are opposing this submission, the following directions are issued insofar as the cause of the APOs is concerned:

- (i) The Official Respondents are directed to consider the cases of the Assistant Programme Officers and Engineering Consultants by considering their Representations, if any, submitted during the course of counselling, and to post them at a vacancy at any nearby place, taking into consideration their seniority, age, family necessity and health and post them in convenient district.

(ii) In the event the APOs and Engineering Consultants are still aggrieved of the decisions of the Official Respondents in the postings, they are at liberty to approach this Court by way of fresh cause of action.

7. Accordingly, the Writ Petitions stand disposed of in terms of the above observations and directions. Since these Writ Petitions are disposed of and that the counselling would begin from 14.11.2023, in view of the short vacation of this Court from tomorrow till 14.11.2023, the Ld. Counsel for the Respondents is directed to convey the gist of this Order to the Official Respondents to enable the Writ Petitioners to participate in the counselling and also for the APOs and Engineering Consultants to submit Representations to the Respondent No.3-Society for Rural Development Services (SRDS). The Respondent No.3-Society for Rural Development Services (SRDS) shall consider and pass a speaking Order within three weeks from the date of Representations by the APOs and Engineering Consultants. Needless to state that the Writ

Petitioners shall be paid the due salary by the Respondents for the period that they have to attended to work. No order as to costs.

8. Interlocutory Applications, if any, stand closed in terms of this Order.

G. RAMAKRISHNA PRASAD, J

Dt: 10.11.2023.

Note: Issue C.C. by today.

B/o.
SDP

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10.11.2023**W****Note: Issue C.C. by today.****B/o.**
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