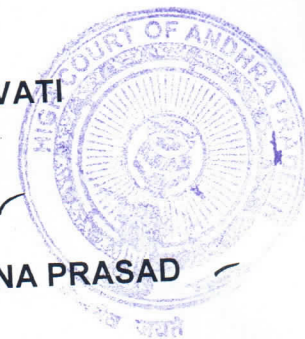


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE NINETEENTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 19379 OF 2021



Between:

1. D.Srinivasulu, S/o. D. Venkatappa, Aged- 44 years, R/o. 32-64, Chintamakulapalli, Kurabalakota, Chittoor Rural, Chittoor District.
2. Bonga Bala Gangadhara, S/o. B. Rathnaiah, Aged- 40 years, R/o. 3-91, Venkaji garipalli, Niammanapalle, Chittoor Rural, Chittoor District.
3. M.Sanjeevi Naick, S/o. M. Appa Naick, Aged- 33 years, R/o. 1-347, Giri Rao Street, Society Colony, Madanapalli Chittoor Urban, Chittoor District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner of Panchayat Raj and Rural Development, Government of Andhra Pradesh, Vijayawada.
3. The Commissioner of Horticulture, Government of Andhra Pradesh, Vijayawada.
4. The District Selection Committee, Rep. by its Chairman / District Collector, Chittoor District.

Respondents

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 issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in

1. Considering the only qualifications

(I) 4 years B.Sc. Horticulture/ B.Sc. (Hons) Horticulture/B.Tech Horticulture from any university accredited by the Indian Council of Agricultural Research (ICAR), Ministry of Agriculture and Farmers Welfare, Govt. of India, New Delhi (or any University recognized in the State.

(or)

(II) Must possess 2 years Diploma in Horticulture (from Dr.YSRHU/ANGRAU recognized)

without considering the qualification of B.Sc.(BZC)/B.Sc.(Horticulture as one of the subject) for the post of Village Horticulture Assistants notified in notification 1/Horti/2019 dt 26-07-2019 and Notification No. 1/Horti/2020 dt 10-01-2020 as illegal, arbitrary and discriminative.

2. Allowing relaxation in the educational qualifications only in favour of persons working, as on date of notifications, while denying such relaxation in favour of persons who appeared directly i.e., petitioners as illegal, arbitrary and

3. Further action in applying the amendment issued to the A.P Horticulture Subordinate Service Rules, issued vide G.O.MS. No. 64 Agriculture and cooperation Department dt 19-06-2020, and the amendment issued by the 3rd respondent vide proceedings dt 15-09-2020, retrospectively to the notifications issued dt 26-07-2019

and 10- 01-2020 for the posts of Village Horticulture Assistants as illegal, arbitrary and violation of Article 14 and Article 16 of Constitution of India.

4. Consequently direct the respondents to consider petitioners for selection of the posts of Village Horticulture Assistants notified in the notification No 1/Horti/2019 dt 26-07-2019 and notification issued for remaining vacancies vide notification 1/Horti/2020 dt 10-01-2020 with corrigendum dt 30-01-2020, without reference to Amendment dt 15- 09-2020 and G.O.MS. No.64 Agriculture and Cooperation dt 19-06-2020 and without denying petitioners as the reason that petitioners are not in-service candidates

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the candidature of the petitioners for the post of Village Horticulture Assistant, notified vide the notification No 01/Horti/2019 dt 26-07-2019 and notification No 01/Horti/2020 dt 10- 01-2020, on basis of the petitioners merit marks, without denying on the ground that, the petitioners are not working as on date of notifications, Pending disposal of WP 19379 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri G V SHIVAJI Advocate for the Petitioners, Sri Goda Raja Babu, GP for Village & Ward Secretariats, for the Respondents and the Court made the following

ORDER:

“Heard Sri G.V.Shivaji, Learned Counsel for the Writ Petitioners and Sri Goda Raja Babu, Learned Government Pleader for Village & Ward Secretariats.

2. Learned Counsel for the Writ Petitioners has drawn the attention of this Court to the Interim Orders passed by this Court in the present batch of Writ Petitions directing the Respondents to issue Hall Tickets to all the Writ Petitioners and to eventually permit them to appear in the examination scheduled to be held on 25.09.2020. There is a consensus amongst members of the Bar in this regard that all the Writ Petitioners have appeared in the Examination pursuant to the Interim Order passed by this Court on 08.09.2020 and therefore, results have been kept on hold on the basis of the direction of this Hon’ble Court not to issue any appointment orders.

3. Therefore it goes without saying that all the Writ Petitioners would have appeared in the Examination and would have participated in the selection process but are waiting for the declaration of the results.

4. Keeping these developments in mind, Learned Counsel for the Writ Petitioners has submitted that the result that is kept in abeyance may be disclosed/declared.

5. Keeping the submission in mind, this Court deems it appropriate to issue the following directions :

i. The Respondents are directed to publish the result of the Written Examination that was held on 25.09.2020 within a period of two weeks from the date of submission of this order.

ii. A copy of the published list shall also be placed on the file of this Court within a week thereafter.

iii. The Writ Petitioners are directed to submit a copy of this order to the Respondents within one week from today.

6. List the matter on 16.02.2023."

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh
2. The Commissioner, of Panchayat Raj and Rural Development, Government of Andhra Pradesh, Vijayawada.
3. The Commissioner of Horticulture, Government of Andhra Pradesh, Vijayawada.
4. The Chairman / District Collector, District Selection Committee, Chittoor District (Addressee nos. 1 to 4 by RPAD)
5. One CC to SRI. G V SHIVAJI Advocate [OPUC]
6. Two CCs to Sri Goda Raja Babu, GP FOR Village & Ward Secretariats, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to GP FOR Panchyath Raj and Horticulture, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

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DATED:19/01/2023

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NOTE: LIST THE MATTER ON 16.02.2023.

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ORDER

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DIRECTION

