

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

TUESDAY, THE TWENTY FIRST DAY OF MARCH,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 18966 OF 2021

Between:

N.Nagaraju, S/o. N.CH.Sunkanna, age 51 Years, D/No. 74-160, Mahatma Nagar,
kallur, Kurnool

Petitioner

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, Kurnool 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 1 to 3, in issuing impugned amendment dated 15.09.2020 to the Notification No. 1/Horti/2020, dated 10.01.2020 and Corrigendum dated 30.01.2020, deleting qualifications prescribed earlier for inservice candidates for the post of Village Horticulture Assistant, thereby denying right of petitioner's consideration for selection to the post of Village Horticulture Assistants, in middle of selection process. Further action of respondents in appointing candidates with same qualification and denying petitioner only on the ground that petitioner has not approached this Hon'ble Court as highly illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India. 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, retrospectively to the notification issued dt 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 and also contrary to the law laid down by the Hon'ble Supreme Court in State of Bihar and others vs. Mithilesh Kumar, reported in 2010(13) SCC 267, as also followed by a Division Bench of this Hon'ble Court in W.P. No. 2158/2014, dated 03.08.2015

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 consider the petitioner for selection to the post of. Village Horticulture Assistant notified in the notification dt 10.01.2020, on basis of merit marks, by declaring result without reference to Impugned amendment dt 15.09.2020, issued by the 3rd respondent, Pending disposal of WP 18966 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 the earlier Order of the High Court dated 19.01.2023 made herein 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:

"In view of the Memo No.Estt-II(1)01/2020 dated 09.12.2021 and the earlier orders passed by this Court in this batch of writ petitions, the respondents are directed not to proceed with the filling up of the posts which were notified in the Memo dated 09.12.2021, till disposal of the batch of writ petitions.

List the matters on 28.03.2023."

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

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, Kurnool 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. One spare copy

MSB

HIGH COURT

NV,J

DATED:21.03.2023

NOTE: LIST THE MATTER ON 28.03.2023

ORDER

WP.No.18966 of 2021

DIRECTION

