

APHC010262132019



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3396]

MONDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION No. 11908 of 2019

Between:

K.P.Sree Devi

...PETITIONER

AND

The State Of AP and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.A RAJENDRA BABU

Counsel for the Respondent(S):

1.P SREE RAMULU NAIDU

2.B V APARNA LAKSHMI

3.GP FOR PANCHAYAT RAJ RURAL DEV (AP)

The Court made the following:

ORDER:

1. This Writ Petition is filed seeking indulgence of this Court under Article 226 of the Constitution of India seeking Writ of *Mandamus* for the following relief:

“to declare the action of the Respondents in promoting Respondent No.5 as Senior Assistant in the vacancy meant for the persons with disability of blindness by ignoring the case of the Petitioner informing that her case will be considered as and when the related roster will occur *vide* Proceedings in ROC No.A7/5656/ 2018, dated 05.02.2019 as

arbitrary, illegal, contrary to Rules and in violation of Articles 14 and 16 of the Constitution of India and to quash or set aside the same and to issue a consequential direction to the respondents to consider the case of the petitioners for promotion to the post of Senior Assistant by applying the rule of reservation as contemplated in G.O.Ms. No.42, dated 19.10.2011 with all attendant and consequential benefits and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.”

2. Heard Sri A. Rajendra Babu, learned counsel for the Petitioner, learned Government Pleader for Panchayat Raj and Rural Development, Ms. B.V. Aparna Lakshmi, learned Standing Counsel appearing for Respondent Nos., 3 and 4 and Sri P. Sree Ramulu Naidu, learned counsel for Respondent No.5.

Arguments Advanced at the Bar

3. On behalf of the Petitioner

a. Petitioner is a visually challenged person, who was appointed as Typist under backlog vacancies in Group-IV Services under Physically handicapped quota and allotted to Zilla Parishad Department. She has been working as such since 16.09.2002 to the satisfaction of the authorities without any remark in her career. Due to the enactment of the Persons with Disabilities Act, 1995¹, Rule-22(2) of the Andhra Pradesh State and Subordinate Service Rules, were amended by virtue of G.O.Ms.No.23, dated 26.05.2011 fixing 3% reservation

¹ For short 'the PWD Act'

in favour of disabled/ handicapped persons in the ratio of 1:1:1 i.e., for blind, deaf/dumb and orthopedically handicapped, respectively in direct recruitment.

b. Government issued G.O.Ms.No.42, Department for Women, Children, Disabled & Senior Citizens (DW), dated 19.10.2011 providing reservation in promotion to the differently abled Employees in the State Government fixing roster points at 6,31,56. Learned counsel would submit that the Petitioner being the visually challenged, she is entitled to promotion as Senior Assistant on roster point-6.

c. Learned counsel would further submit that the Petitioner has submitted a representation dated 20.01.2019 to the respondents for promotion to the category of Senior Assistant. Respondent No.3 has issued Proceedings in ROC No.A7/5656/2018, dated 15.02.2019 informing that her request to the post of Senior Assistant will be considered as and when the related roster would occur. The learned counsel contends this to be in clear violation of Articles 14 and 16 of the Constitution of India.

d. Learned counsel would further submit that the respondents filled up the post of Senior Assistant by promotion with physically handicapped person (Respondent No.5) in roster No.6, which is meant for visually challenged persons. Learned counsel would further submit that in the counter, respondent No.3 has categorically mentioned that Rule of reservation in Roster No.6 reserved for blindness or low vision (open) in 2nd cycle, but the then Officers by oversight issued promotion orders in favour of respondent No.5 and Senior Assistant by mistake for the year 2013.

e. Learned counsel would argue that the Petitioner has passed all the Departmental Tests even by 2006 and her probation was declared. The promotion roster point-6 is meant for blind or low vision persons but not to the loco motor disability. Learned counsel would further submit that the respondent authorities have given promotion in roster No.55/55 from the feeder category of Junior Assistants/Typists to Senior Assistant *vide* Proceedings dated 15.12.2018. Finally, learned counsel prays to allow the Writ Petition.

4. On behalf of Respondent No.3

a. Roster No.6 is meant for promotion to disabled person who are blind/low vision in women category as per norms. The then Officer by oversight has given promotion to orthopedically handicapped person i.e., Respondent No.5 in roster-6.

b. It is further submitted that roster 55/55 is meant for physically handicapped persons in the 2nd cycle, promotion was given in December 2018. The Petitioner made representation 36 days after the promotion. Learned Government Pleader refers to Memo No.57759/Ser-A/2004-1, dated 20.05.2004 which states that no request for revision of seniority more than 3 years old shall be considered. The seniority list in each category shall be communicated, once the employee completes the prescribed probation period.

c. Learned Government Pleader finally submits that the petitioner's case will be considered when a vacancy in roster-6 again arises.

5. On behalf of Respondent No.5;

a. Learned counsel would submit that the promotion of respondent No.5 was given in the year 2013 in the cadre of Senior Assistant. Petitioner herein has not challenged the promotion orders of respondent No.5. Hence, no relief can be granted to her against the promotion of respondent No.5.

b. The probation period in the promotion post was also declared in 2014. Petitioner has made a representation in the year 2019 and did not chose to make any objection even after serving the seniority list. In the light of the Circular instructions dated 20.05.2004, Petitioner cannot agitate the matter again. Learned counsel would finally submit that the Courts are not supposed to interfere in the matter of settled seniority.

c. Learned counsel would further submit that in the instant Writ Petition, respondent No.5 was shown as a proforma party and no relief was claimed against him. Petitioner has suppressed the fact of promotion of respondent No.5 in the year 2013, whereas, in December, 2018, the roster points shown as 55 (2nd cycle).

d. Learned counsel prays to dismiss the Writ Petition on the grounds of delay and suppression of facts.

6. In reply, learned counsel for the Petitioner would submit;

a. Though the seniority is communicated to the petitioner against the names of physically handicapped persons, the specific disability is not mentioned. The petitioner immediately after knowing the fact that she was ignored for promotion as per roster-6 and was not even considered in the

zone of promotion, whereas, respondent authorities issued promotion to the physically handicapped persons, made a representation to respondent authorities.

b. Learned counsel would further submit that even as per the version of respondent No.3, within 36 days from the date of giving promotion in December, 2018, Petitioner made a representation. When it is brought to the notice of the authorities that the petitioner was ignored for her promotion though she was eligible in all counts, respondent authorities have not done anything to protect her interest, even in the year 2018, but simply issued impugned reply.

c. Learned counsel would submit that the respondent authorities having all the details of the Petitioner that she comes under visually challenged category, wilfully ignored her case for promotion by violating the Rules in G.O.Ms.No.42, dated 19.10.2011 which is not sustainable in law. Learned counsel prays to allow the Writ Petition by directing the respondent authorities to consider the case of the Petitioner in the light of G.O.Ms.No.42, dated 19.10.2011.

POINT FOR DETERMINATION

7. Having perused the material available on record, the point/s that would arise for the consideration is;

- 1) Whether the action of respondent authorities in ignoring the Petitioner for promotion in the Roster No.6 meant for the Blind/low vision category, by giving promotion to a person

with a different category of disability, is in violation of Articles 14 and 16 of the Constitution of India ?

2) If so, to what relief ?

Determination by the Court

8. The rival contentions now fall for determination before this Court.

9. The Petitioner, a visually challenged individual, approached this Court seeking promotion to the post of Senior Assistant under roster point-6, which is specifically designated for persons with blindness or low vision, as per G.O.Ms.No.42, dated 19.10.2011. The Petitioner claims that despite fulfilling all the requisite criteria and being eligible for promotion, she was not even shown in Zone of consideration, due to a mistake on the part of Office of Respondent No.3, where the Respondent No.5, an orthopedically handicapped individual, was promoted under roster point-6.

10. The official Respondents though admit that the promotion was erroneously issued by oversight, due to which an orthopaedically handicapped person was promoted in the roster point fixed for persons with blindness or low vision, would contend that the challenge to the promotion was made with a delay of 36 days and the same falls foul against the Memo No.57759/Ser-A/2004-1, dated 20.05.2004 which states that no request for revision of seniority older than 3 years shall be considered.

11. The Respondent No.5 who is an orthopedically handicapped person raises procedural points regarding delay and the non-challenge of his promotion order.

12. Time and again, courts have consistently recognized the right to be considered for promotion as not only a statutory right but also a fundamental right, under Articles 14 and 16(1) of the Constitution of India. It is pertinent to refer to the following passages from **Director, Lift Irrigation Corpn. Ltd. v. Pravat Kiran Mohant**² which read;

“4..... There is no fundamental right to promotion, but an employee has only right to be considered for promotion, when it arises, in accordance with relevant rules. From this perspective in our view the conclusion of the High Court that the gradation list prepared by the corporation is in violation of the right of respondent-writ petitioner to equality enshrined under Article 14 read with Article 16 of the Constitution, and the respondent-writ petitioner was unjustly denied of the same is obviously unjustified.”

(emphasis supplied)

13. A Constitution Bench of the Hon'ble Supreme Court in **Ajit Singh v. State of Punjab**,³ expounded that it is clear violation of fundamental rights under Article 14 and Article 16(1) to not consider a person, even when he satisfies the eligibility and criteria for promotion. Relevant paras 22 and 27 read as follows;

“Articles 14 and 16(1) : is right to be considered for promotion a fundamental right

22. Article 14 and Article 16(1) are closely connected. They deal with individual rights of the person. Article 14 demands that the ‘State shall not deny to any person equality before the law or the equal protection of the laws’. Article 16(1) issues a positive command that:

² (1991) 2 SCC 295

³ (1999) 7 SCC 209

'there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State'.

It has been held repeatedly by this Court that clause (1) of Article 16 is a facet of Article 14 and that it takes its roots from Article 14. The said clause particularises the generality in Article 14 and identifies, in a constitutional sense "equality of opportunity" in matters of employment and appointment to any office under the State. The word "employment" being wider, there is no dispute that it takes within its fold, the aspect of promotions to posts above the stage of initial level of recruitment. Article 16 (1) provides to every employee otherwise eligible for promotion or who comes within the zone of consideration, a fundamental right to be "considered" for promotion. Equal opportunity here means the right to be "considered" for promotion. If a person satisfies the eligibility and zone criteria but is not considered for promotion, then there will be a clear infraction of his fundamental right to be "considered" for promotion, which is his personal right. "Promotion" based on equal opportunity and seniority attached to such promotion are facets of fundamental right under Article 16(1).

27. In our opinion, the above view expressed in Ashok Kumar Gupta [Ashok Kumar Gupta v. State of U.P.¹³, and followed in Jagdish Lal [Jagdish Lal v. State of Haryana¹⁴, and other cases, if it is intended to lay down that the right guaranteed to employees for being "considered" for promotion according to relevant rules of recruitment by promotion (i.e. whether on the basis of seniority or merit) is only a statutory right and not a fundamental right, we cannot accept the proposition. We have already stated earlier that the right to equal opportunity in the matter of promotion in the sense of a right to be "considered" for promotion is indeed a fundamental right guaranteed under Article 16(1) and this has never been doubted in any other case before Ashok Kumar Gupta [Ashok Kumar Gupta v. State of U.P.], right from 1950."

(emphasis supplied)

14. To sum up, service law jurisprudence is clear to the effect that no employee can claim promotion as a right, but there is a fundamental right to

be considered for promotion. Further, being in the prescribed zone of consideration is pre-essential to claim the right to be considered for promotion as a fundamental right.

15. It is beneficial to examine the Government Orders, on which the Petitioner has placed reliance to substantiate his grounds seeking promotion.

16. G.O.Ms.No.23 Department for Women, Children, Disabled & Senior Citizens (DW), dated 26.05.2011, came into force retrospectively with effect from 28.08.2004. By virtue of this G.O. primarily 3% reservation is provided in direct recruitment for persons with disabilities, which is divided equally among three categories: (a) Blindness or Low Vision, (b) Hearing Impairment, and (c) Locomotor Disability or Cerebral Palsy. However, exemptions may be granted based on the nature of work in certain departments. It is stated that the definitions of disabilities for the purpose of reservation are as per the Persons with Disabilities (PWD) Act, 1995. It is further stated that the reservation among the categories and for women, specified shall be as follows;

<u>1 to 100</u>		
6 (Blindness or Low Vision) Disability or Cerebral Palsy) (Women) (Open)	31 (Hearing Impaired) (Women) (Open)	56 (Locomotor (Open)
<u>101-200</u>		
106 (Blindness or Low Vision) Disability or Cerebral Palsy) (Open) (Open)	131 (Hearing Impaired) (Women) (Open)	156 (Locomotor (Open)

<u>201-300</u>		
206		231
256		
(Blindness or Low Vision) Disability or Cerebral Palsy)	(Hearing Impaired)	(Locomotor
(Open)	(Open)	
(Women)		

17. It is trite to mention that the G.O. itself stipulates that if a suitable candidate is not available for a reserved vacancy in a recruitment year, the vacancy is carried forward to the next year for being filled from the same category. If no candidate is available even then, interchanging among the three disability categories is allowed. Only if no person with a disability is available at all, the vacancy may be filled by a non-disabled person. An illustration for the purpose of the aforesaid carry forward is provided within the G.O. as follows;

“Illustration 1 for Para 6 (iv):-

a) In the case of 6th roster point fixed for Blindness or Low Vision (Woman), If woman candidate with Blindness or Low Vision is not available in the initial recruitment year, the vacancy may be carried forward to the succeeding recruitment year for being filled up by woman with Blindness or Low Vision;

b) If woman candidate with Blindness or Low Vision in that succeeding recruitment year also is not available, the same shall be notified inviting applications from male candidate also with Blindness or Low Vision. If male candidate with Blindness or Low Vision is also not available, the post may first be notified for Hearing impaired candidate (being next category in the roster) and if no such candidate comes forward it may be

notified for locomotor disability or cerebral palsy (being the next category in the roster);

c) Only when there is no person with disability of any of the 3 categories available for the post, the employer shall fill up the vacancy by appointment of a person other than a person with disability.

d) For the other roster points reserved for women for remaining two categories of disabilities i.e. roster points 131, 256 the same procedure explained at (a) to (c) above shall be followed.”

18. Therefore, by virtue of the discussion supra, it is clear that the unfilled vacancies of a given year, for persons with disabilities within a category, must be carried forward to the next recruitment year to fill from among the very same category. If no suitable candidate is found again, the vacancy can be interchanged among the other disability categories as stated. Only if no disabled candidate is available at all, can the vacancy be filled by a non-disabled person.

19. On the other hand, G.O.Ms.No.42 Department for Women, Children, Disabled & Senior Citizens (DW), dated 19.10.2011 extends the 100-point roster system to promotions, ensuring reservation for persons with disabilities at the 6th, 31st and 56th. While preparing promotion panels, eligible disabled employees, must be placed at their designated roster points regardless of seniority, but if a disabled employee qualifies based on seniority, they retain their position, and a lower-ranked disabled employee moves up to fill the reserved spot. This process continues until the required percentage of

disabled employees is met, after which any un-utilised roster points lapse. If the required number of disabled employees are unavailable in the feeder category, vacancies are carry forwarded as per orders issued in case of rule of reservation in promotion for SC/ST persons.

20. By virtue of the above G.O., it is clear that the names of disabled employees from feeder category have to be shown against the roster points earmarked irrespective of their position in the seniority. If required persons are not available, the vacancies earmarked for disabled employees according to the roster will be carried forward.

21. Promotions as in the present case, must strictly adhere to the rules stipulated in the G.O.s *supra*, which ensures that all eligible individuals within the defined category are given equal opportunity. Promotion of an individual from a different disability category under a point reserved for the visually challenged is an error, as it deprives the rightful candidate of the promotion due to them under the specific category. Upon consideration of the pleadings, submissions made and the discussion *supra*, it is vivid that the promotion to Respondent No.5 under Roster point-6, meant for visually challenged persons, runs contrary to the reservation norms as established by G.O.Ms.No.23, dated 26.05.2011 and G.O.Ms.No.42, dated 19.10.2011.

22. The argument of learned counsel for Respondent No.5 on procedural points regarding delay and the non-challenge of his 2013 promotion order, are not sufficient to address the core issue i.e., the incorrect application of the roster point. The crux of the issue lies in the violation of the rules governing

promotion under the reserved category. The promotion of Respondent No.5, who is orthopedically handicapped, under roster point-6, which was meant for the visually challenged, is in utter violation of governing provisions. At this juncture, it is relevant to extract the following from the counter filed by Respondent No.3, which reads thus:

“The then Officer by oversight issued promotion orders in favour of Respondent No.5 by mistake for the year 2013.”

23. Memo No.57759/Ser-A/2004-1, dated 20.05.2004 was issued in the context of the decision of the Hon'ble Supreme Court in **B.S. Bajwa & Anr v. State of Punjab & Ors**⁴. In this case, appellants raised their grievance in 1984, despite having joined the department in 1971-72 and being consistently treated as junior to others. The Hon'ble Supreme Court held that revisiting seniority issues is not advisable especially when over more than a decade, seniority and promotions had already been established, and reopening the matter after such a long delay would disrupt the settled position.

24. Taking cue from the decision rendered in **B.S. Bajwa & Anr**, instructions were issued by the General Administration (SER.A) Department *vide* Circ. Memo No.57759/Ser.A/2004-1, dated 20.05.2004 whereby it is stated that no request for revision of seniority for a period which is more than 3 years old shall be considered. There cannot be any other view on the legal proposition that Courts cannot disturb long settled seniority, but the argument advanced by the learned counsels for the Respondents on the touchstone of

⁴ 1998 (2) SCC 523

this Memo does not stand for two reasons i.e., (i) Petitioner herein has not sought for any revision of her seniority and (ii) Administrative instructions as in this case a Memo dated 20.05.2004, cannot derogate the fundamental right of the Petitioner to be considered for the promotion, given the governing rules and the clear oversight as admitted by the Respondent No.3 in the counter itself.

25. Learned counsel for the Respondent No.5 advanced an argument that no relief can be granted to the Petitioner against the promotion of the Respondent No.5 as the promotion orders were not challenged.

26. It is a settled principle of law that justice cannot be forsaken at the altar of technicalities and writ courts have the power to mould the relief if required, *vide Vashist Narayan Kumar v. State of Bihar & Ors*⁵. In **Vashist Narayan Kumar**, the Hon'ble Supreme Court found fault with the finding of the Division Bench of the High Court which refused to quash the results declared over the web as there was no prayer for the same, even when there was a prayer to consider candidature by treating his date of birth as 18.12.1997 and for a direction for issuance of an appointment letter.

27. It is relevant to refer to the following passage from the decision rendered by a Division Bench of the Hon'ble Orissa High Court in **Nilamani Mishra v. State of Orissa & Others**⁶, which reads thus;

“8. The next question is relatable to the grant of appropriate relief to the petitioner. In this connection it has been urged by Mr. Misra that as the petitioner has not specifically prayed for

⁵ 2024 INSC 2

⁶ 1990 SCC ONLINE ORI 316

*setting aside the approval accorded to the promotion of O.P No. 4 by the Director of Secondary Education, the promotion in favour of this opposite party cannot be set aside by this Court in the present proceeding. Reference to the prayers as made by the petitioner shows that the first of the same concerns the seniority and the second to the question of recommendation of the name of the petitioner for promotion as the Headmaster and a direction to O.P No. 2 to approve the same. This shows that there is no specific prayer for declaring the promotion of O.P No. 4 as invalid in the eye of law. **But then the petitioner having prayed for any other order or direction which would afford complete relief to him, we are of the opinion that merely because of absence of any specific prayer for setting aside the approval of the promotion of O.P No. 4 to the post of Headmaster, this relief may not be denied to the petitioner.** In taking this view, we have borne in mind certain decisions of the Apex Court which have held that Courts have very wide discretion in the matter of framing their writs to suit the exigencies of particular cases and an application cannot be thrown out simply on the ground that the proper writ or direction has not been prayed for. This was the view expressed in *Charanjitlal v. Union of India*, A.I.R 1951 S.C 41. In *Satyanarain v. District Engineer, P.W.D*, A.I.R 1962 S.C 1161, appropriate relief was granted due to changed circumstances and because of the prayer for grant of any other relief to the petitioner. In *State of Haryana v. Haryana Co-op. Transport Ltd.*, (1977) 1 SCC 271 : A.I.R 1977 S.C 237, the mere circumstance of the petitioner not asking for the writ of quo warranto in so many words was not regarded as sufficient not to entertain that question, as facts necessary for challenging the appointment in question had been clearly stated in the petition. It was pointed out that the petitioner had invited the Court to issue such other suitable writ (apart from certiorari which was specifically asked for, but which was regarded as inappropriate) as the Court may deem fit and proper. In *B.R Ramabhadriah v. Secretary, F. & A. Deptt.*, (1981) 3 SCC 528: A.I.R 1981 S.C 1653, it was reiterated that the relief should be suitably moulded and it should not be denied on purely technical and narrow procedural grounds.”*

(emphasis supplied)

28. In the instant case, the Petitioner has sought a prayer to declare the action of promotion of Respondent No.5 as arbitrary, illegal and contrary to the rules and Articles 14 and 16 of the Constitution in its first limb. Next, prayer was made to quash or set aside the same. Thereafter, a prayer was made to issue a consequential direction to consider the case of petitioner for promotion. In such a case, taking a hyper technical view to deny a relief to the Petitioner cannot be countenanced.

CONCLUSION

29. In the present case, Petitioner is qualified and eligible for promotion to the post of Senior Assistant in roster No.6 as per G.O.Ms.No.42, dated 19.10.2011. It is not the case that respondent No.5 got promoted by virtue of seniority. Respondent No.5 was promoted being ortho handicapped in the roster point for visually challenged in clear violation of rules, which is clearly admitted by Respondent No.3, saying it is a mistake. Yet another promotion was given in 2018 to ortho handicapped in Roster-55. If this is permitted to continue, it will lead to a perpetual injustice to the Petitioner.

30. The point raised on delay in the light of Circular Memo dated 20.05.2004, cannot usurp the fundamental right of the Petitioner as per the rules. Consequently, a fair look at the impugned reply which was issued to the Petitioner having given promotion to two orthopedically handicapped persons in Roster-6 and 55, *vide* Proceedings dated 05.02.2019 is in clear violation of Rules. Therefore, action of the Respondent authorities in ignoring the Petitioner for promotion to Respondent No.5, with a different category of

disability is violative of Articles 14 and 16 of the Constitution of India.

Accordingly, the Point is answered.

RESULT

- 31.** In that view, Writ Petition is allowed with the following directions;
- i.** Respondent Nos., 1 to 3 are directed to consider the case of the Petitioner as per G.O.Ms.No.42, dated 19.10.2011 for promotion to the post of Senior Assistant at her roster point-6 from the date of her eligibility.
 - ii.** Petitioner is entitled for all consequential and attendant benefits notionally, from the date of her eligibility till the date of actual joining in promotional post and monetary benefit from the date of joining in the new post.
 - iii.** Respondent Nos., 1 to 3 are further directed to give promotion to respondent No.5 as Senior Assistant, as per his eligibility in the next post i.e., in the line of seniority or in the roster point meant for orthopedically handicapped, by giving notice to aggrieved persons, if any.
 - iv.** Respondent Nos., 1 to 3 are directed to take all necessary and suitable steps immediately and complete the above exercise within a period of three months from the date of receipt of a copy of this Order.

No order as to costs.

Pending Interlocutory Applications, if any, shall stand closed.

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**

L.R.Copy to be marked.

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Writ Petition No. 11908 of 2019

30.12.2024

*Mjl/**

IN THE HIGH COURT OF ANDHRA PRADESH, AMARAVATI

WRIT PETITION No. 11908 of 2019**Between:**

K.P.Sree Devi,
D/o.K.Pardha Saradhy Naidu, aged about 49 years
Typist O/o.Mandal Parishad Development Officer
Mandal Parishad, SR Puram Mandal, Chittoor District.

.... Petitioner

And

1. The State of AP
rep by its Principal Secretary,
Panchayat Raj and Rural Development Department
Secretariat Buildings, Velagapudi Amaravathi, Guntur Dist A.P.

2. The Commissioner
Panchayat Raj and Rural Development Department,
A.P.Vijayawada

3. The Chief Executive Officer, Zilla Parishad, Chittoor, A.P.

4. The Mandal Parishad Development Officer
SR Puram Mandal, Chittoor District, A.P.

5. K.Raghu Nath S/o. not known, aged not known
Senior Assistant.

... Respondents

DATE OF JUDGMENT PRONOUNCED: **30.12.2024****SUBMITTED FOR APPROVAL:****THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

- | | | |
|----|--|--------|
| 1. | Whether Reporters of Local Newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters / Journals? | Yes/No |
| 3. | Whether Her Lordship wish to
see the fair copy of the Judgment? | Yes/No |

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

* THE HON'BLE DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

+ WRIT PETITION No.11908 of 2019

% 30.12.2024

Between:

K.P.Sree Devi

D/o.K.Pardha Saradhy Naidu, aged about 49 years

Typist O/o.Mandal Parishad Development Officer

Mandal Parishad, SR Puram Mandal, Chittoor District.

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1. The State of AP

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Panchayat Raj and Rural Development Department

Secretariat Buildings, Velagapudi Amaravathi

Guntur Dist A.P.

2. The Commissioner

Panchayat Raj and Rural Development Department,

A.P.Vijayawada

3. The Chief Executive Officer

Zilla Parishad, Chittoor, A.P.

4. The Mandal Parishad Development Officer

SR Puram Mandal, Chittoor District, A.P.

5. K.Raghu Nath S/o. not known, aged not known

Senior Assistant

... Respondents

! Counsel for Petitioner : Sri A.Rajendra babu

^ Counsel for Respondents 1 & 2 : Government Pleader for Panchayat Raj
& Rural Development (AP)

Counsel for Respondents 3 & 4 : Ms.B.V.Aparna Lakshmi,
Standing Counsel

Counsel for respondent No.5 : Sri P.Sree Ramulu Naidu

< Gist:

> Head Note:

? Cases referred:

1. (1991) 2 SCC 295

2. (1999) 7 SCC 209

3. 1998 (2) SCC 523

4. 2024 INSC 2

5. 1990 SCC ONLINE ORI 316

This Court made the following: