



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

[3529]

MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 23473/2011

Between:

1. PIDUGU SASI KANTH REDDY, KADAPA, S/O. LATE P. NAGIREDDY
PROCESS SERVER, JUNIOR CIVIL JUDGES COURT, NANDALUR,
KADAPA DISTRICT, R/O. D.NO. 1/380, OPP. DISTRICT COURT II
GATE, MARUTHINAGAR, KADAPA 516 001

...PETITIONER

AND

1. DIST JUDGE KADAPA 2 ORS, KADAPA.

2. THE REGISTRAR ADMN, HON'BLE HIGH COURT OF A.P.,
HYDERABAD.

3. THE GOVERNMENT OF ANDHRA PRADESH, REP. BY ITS CHIEF
SECRETARY TO GOVERNMENT, GENERAL ADMINISTRATION
(SER. A) DEPARTMENT, SECRETARIAT BUILDINGS, HYDERABAD.

...RESPONDENT(S):

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 action of the 1st respondent in issuing impugned order vide Dis.No.1968/2011, dated 22.03.2011 issued by the 1st respondent is illegal, arbitrary and unconstitutional and its amounts to violation of Article 14, 16, 21 of the Constitution of India and set aside the same and consequently direct the 1st respondent to extend the statutory benefits

G.O.Ms.No.612, General Administration (Ser-A) Department, dated 30.10.1991

IA NO: 1 OF 2011(WPMP 28739 OF 2011)

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 1st respondent to consider the case of the petitioner in terms of G.O.Ms.No.612, General Administration (Ser-A) Department, dated 30.10.1991

Counsel for the Petitioner:

- 1.Dondappagari Sai Siddi Srihar

Counsel for the Respondent(S):

- 1.GP FOR GENERAL ADMINISTRATION
- 2.K SRINIVASA RAO

The Court made the following Order: *(per Hon'ble Sri Justice R. Raghunandan Rao)*

The petitioner had been appointed, on 07.12.2004 as an Attender, in the Court of the learned II Additional Junior Civil Judge, Proddatur, on a compassionate basis as his father had passed away, on 17.04.2004, while working as an Examiner of Copies in the Court of the learned Junior Civil Judge, Sidhout. After his appointment, the petitioner filed a representation, seeking his appointment as a Junior Assistant, on the ground that, he had a minimum educational qualification, by the time of his appointment, that would entitle him to be appointed as a Junior Assistant and not as an Attender. As this representation was not considered, the petitioner has approached this Court, by way of W.P.No.12759 of 2009, which came to be disposed of, on 21.12.2010, directing the District Judge, Kadapa, to consider the representation of the petitioner and to pass orders within two (02) weeks from the date of receipt of the Order of the Court.

2. The District Judge, Kadapa, in pursuance of these directions, passed an Order, dated 22.03.2011, rejecting the request of the petitioner, on the ground that, the subsequent promotion, of the petitioner, would be governed by the relevant Rules of the High Court, in ROC.No.2536/98-C1(1), dated 23.03.1999.

3. Aggrieved by the said Order, the petitioner has again approached this Court, by way of the present Writ Petition.

4. Heard Smt. Avanija Inuganti, the learned counsel appearing for the petitioner and Sri K. Srinivasa Rao, the learned counsel appearing for the respondents

5. Smt. Avanija Inuganti, the learned counsel appearing for the petitioner, would contend that, the rejection of the representation of the petitioner, is clearly arbitrary and runs in the face of the earlier case of Kum. P. Thulasi. In the case of Kum. P. Thulasi, she was appointed on a compassionate basis, as an Attender and sought appointment as a Field Assistant, by way of a representation in view of her educational qualifications. As her representation was not being considered, she had approached the erstwhile High Court of Andhra Pradesh, by way of W.P.No.900 of 2008, which came to be disposed of, on 30.07.2008. In this Order, a Division Bench of the erstwhile High Court, after noticing G.O.Ms.No.612, dated 30.10.1991, had held that, the dependants of deceased persons were eligible to be considered, for any category whose pay is equal or lower to that of Junior Assistant if the candidate meets the required qualifications and standards. The Division Bench had thereafter, directed the District Judge, Kadapa, to consider the representation of Kum. P. Thulasi, in line with the guidelines in G.O.Ms.No.612, dated 30.10.1991. Subsequently, the District Judge, Kadapa, by proceedings, dated 16.09.2008, had appointed Kum. P. Thulasi by transfer to the post of Field Assistant temporarily. It appears that, she was subsequently regularized.

6. In the present case, the District Judge, Kadapa, instead of considering the provisions of G.O.Ms.No.612, which would have entitled the petitioner to be appointed as a Junior Assistant, had relied upon a Circular bearing ROC.No.2536/98-C1(1), dated 23.03.1999, to reject the representation of the petitioner.

7. A perusal of this Circular, dated 23.03.1999, would show that, the said Circular, relates to promotions for selection posts and non-selection posts. It is not clear as to how a Circular relating to promotions, would bar the appointment of a person, under the Compassionate Appointment Scheme, to the post of Junior Assistant, if such a person is otherwise eligible and has the necessary educational qualifications.

8. In the present case, we do not find any reason to hold that the petitioner was not otherwise eligible or qualified to be appointed as a Junior Assistant.

9. The office of the learned District Judge, Kadapa, having considered the representation of Kum. P. Thulasi, favourably and in terms of G.O.Ms.No.612, could not have rejected the representation of the petitioner, on the basis of a Circular, which relates to promotions. Such a rejection is clearly arbitrary and requires to be set aside.

10. In these circumstances, this Writ Petition is allowed, setting aside the order of rejection of the learned District Judge, Kadapa, dated 22.03.2011, with a further direction to regularize the service of the petitioner, by treating his

appointment from the date of rejection as a Junior Assistant and to give necessary promotions and time scale of pay. However, there would be no payment of back wages in as much as the petitioner discharged his functions as an Attender and subsequent promotional posts and has been paid for such work.

11. It is further clarified that, the said exercise is to be completed within a period of eight (08) weeks from the date of receipt of this order and the post and scale of pay, which the petitioner would be entitled, shall be fixed within the aforesaid period of eight (08) weeks.

There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J

T.C.D. SEKHAR, J

*Date:02.03.2026
KPV*

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THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

AND

THE HON'BLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION No.23473 of 2011

(per Hon'ble Sri Justice R. Raghunandan Rao)

02.03.2026

KPV

