



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

[3208]

FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 4760/2026

Between:

1. BODDEDA SIVAJI, S/O B. SURI JAGGA RAO, AGED 33 YEARS,
OCC VILLAGE REVENUE OFFICER GRADE-II. WORKING AT
NUTHALAGUNTAPALEM VILLAGE, O/O TAHSILDAR,
KASIMKOTA MANDAL, ANAKAPALLI DISTRICT, ERSTWHILE
VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, EP. BY ITS PRINCIPAL SECRETARY
REVENUE SERVICES DEPARTMENT SECRETARIAT,
VELAGAPUDI AMARAVATHI, GUNTUR DISTRICT
2. THE DISTRICT COLLECTOR AND NODAL AUTHORITY FOR
SERVICES, ERSTWHILE VISAKHAPATNAM VISAKHAPATNAM
DISTRICT. 530002 3.
3. THE DISTRICT COLLECTOR, ANAKAPALLI DISTRICT.

...RESPONDENT(S):

The Court made the following ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 2ND respondent in not considering the case of the petitioner for promotion to the post of Village Revenue Officer Grade-I from the post of Village Revenue Officer Grade-II even though he is fully eligible and qualified to hold the said promotional post and though his claim for promotion falls under Rule 5 (b) of the State and Subordinate Service rules as illegal and arbitrary, against the said rule and as well as contrary to the law laid down by our Hon’ble court in WP.No.3099/2017 dated 27.08.2021, WP.No. 165/2022 dated 02.03.2022 and in WA.No.550/2022 dated 06.09.2022 and consequently direct the respondents to consider the claim of the petitioner for promotion to the vacant posts of Village Revenue Officer Grade-I available with effect from the date i.e., 07-02-2026 whereas his immediate junior promoted and to pass...”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Services-I appearing for the respondent Nos. 1 to 3.

3. The case of the petitioner is that the 2nd respondent has not considered the case of the petitioner for promotion to the post of Village Revenue Officer Grade-I from the post of Village Revenue Officer Grade-II, even though the petitioner is fully eligible and qualified to hold the said promotional post. It is contended that the claim of the petitioner for promotion falls under Rule 5(b) of the State and Subordinate Service

Rules, and that the action of the 2nd respondent in not considering the case of the petitioner is illegal and arbitrary.

4. The learned counsel for the petitioner submits that the subject matter of the present writ petition is squarely covered by the order passed by this Court in W.P. No.3873 of 2026, dated 10.02.2026, and seeks similar relief in the present case.

5. The issue involved in the present case has already been considered by a Division Bench of this Court in W.A. No.550 of 2022 (State of A.P. vs. Ch. Venkata Rao), wherein it was held as follows:

“4. On the other hand, the learned Government Pleader for Services I has referred to G.O.Ms.No.66 General Administration (Services.C) Department, dated 30.01.1991 to contend that when charges of misconduct are framed by the competent authority and served on the concerned delinquent officer, or a charge sheet has been filed against him in criminal court, his case for promotion is required to be deferred.

5. We have heard Mr. Aswartha Narayana, learned Government Pleader for Services I appearing for the appellants and Mr. G. Seena Kumar, learned counsel for the respondent/writ petitioner, and perused the material available on record. The learned single Judge has referred to the Judgment rendered by the Division Bench of this Court in the case of State of Andhra Pradesh rep., by its Secretary, Home Department vs. Motupalli Narasimha Raju (W.P.No.3099 of 2017), dated 27.08.2021, to hold that G.O.Ms.No.424 GA (Ser.C) department, dated 25.05.1976 is not applicable in the case of the petitioner, who is a constable and it is applicable to the selection post falling under Rule 5(a) and Rule 6 of the Rules, 1996, and the said G.O., does not come in the way of the petitioner to claim promotion during pendency of the departmental proceedings and therefore, the petitioner is entitled to the relief claimed for.

7. In the Division Bench judgment in Motupalli Narasimha Raju (supra), a Coordinate Bench has held that the post of Head Constable is a non-selection post for the purposes of promotion and therefore, in view of Rule 5(b)(i) of the Rules, 1996, the promotion can be deferred only upon imposition of penalty and not otherwise. It has also been held that the additional embargo, if any created under a G.O., which is not issued in exercise of powers under Article 309 of the Constitution of India, would not override Rule 5(b)(i) of the Rules, which clearly states that promotion to a non-selection post may be denied only if the incumbent is subjected to a penalty and not otherwise. Thus, neither G.O.Ms.No.424, GA (Ser.C) department, dated 25.05.1976 nor G.O.Ms.No.66, General Administration (Services.C) department, dated 30.01.1991 would come in the way of the writ petitioner to claim relief of promotion as has been held by the learned single Judge. The writ appeal has no substance and it deserves to be dismissed.

6. Following the ratio laid down by the Division Bench, a Coordinate Bench of this Court in W.P. No.21608 of 2024 disposed of a similar writ petition on identical terms. The said legal position is not disputed by the learned Government Pleader.

7. Accordingly, the present writ petition is disposed of, without going into the merits of the case, with a direction to the respondent authorities to consider the case of the petitioner for promotion, if he is otherwise within the zone of consideration, in terms of Rule 5(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, without reference to the Articles of Charge, dated 30.12.2025, issued by the 1st respondent. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

20.02.2026
klk

JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 4760/2026

20.02.2026

klk