

APHC010163982026



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

[3208]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 9426/2026

Between:

1. THOTA ESWAR KUMAR,, S/O THOTA SATYANARAYANA, AGED ABOUT 28 YEARS, OCC WARD AMENITIES SECRETARY (GRADE-II), R/O D.NO.3-206, BRAMAMGARI TEMPLE STREET, PORANKI, PENAMALURU MANDAL, KRISHNA DISTRICT - 521137

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH- 522238.

2. THE DIRECTOR OF GSWS DEPARTMENT, NIRMAN BHAVAN, APIIC COLONY, AUTONAGAR, VIJAYAWADA, ANDHRA PRADESH - 520007.

3. THE COMMISSIONER AND DIRECTOR OF MUNICIPAL ADMINISTRATION, STATE OF ANDHRA PRADESH, VADDESWAREM, MANGALAGIRI, GUNTUR DISTRICT,

ANDHRA PRADESH 522503.

- 4.THE VIJAYAWADA MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER NTR DISTRICT, JAWAHARLAL NEHRU BUILDING, VIJAYAWADA, ANDHRA PRADESH - 520001.
- 5.THE COLLECTOR AND DISTRICT MAGISTRATE, NTR DISTRICT, NEAR PWD GROUNDS, VIJAYAWADA, ANDHRA PRADESH - 520002.
- 6.THE COLLECTOR AND DISTRICT MAGISTRATE, KRISHNA DISTRICT, CHILAKALAPUDI, MACHILIPATNAM, ANDHRA PRADESH - 521002.
- 7.THE ENGINEERINCHIEF, PUBLIC HEALTH AND MUNICIPAL ENGINEERING DEPARTMENT, RAYAPUDI, AMARAVATI, ANDHRA PRADES- 522237.
- 8.THE REGIONAL DIRECTOR OF MUNICIPAL ADMINISTRATION AND CHAIRMAN, REGIONAL LEVEL COMMITTEE, RAJAMAHENDRAVARAM, ANDHRA PRADESH.
- 9.THE SUPERINTENDING ENGINEER PUBLIC HEALTH, PUBLIC HEALTH CIRCLE, RAJAMAHENDRAVARAM, ANDHRA PRADESH - 533103.

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.M SHANMUKHA TEJA

Counsel for the Respondent(S):

- 1.GP FOR SERVICES I
- 2.S.V.S.S.SIVARAM SC For VMC

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION No.9426 of 2026****ORDER:**

The present writ petition is filed seeking the following relief:

“....to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, declaring the action of the Respondents in not considering the petitioner's case for promotion/delegation to the post of Municipal Assistant Engineer (MAE) in the existing vacancies in Vijayawada Municipal Corporation, vide Rc.C4-119704/2025, E.No. 95825 Dt. 13.03.2026 despite he is eligible for promotion as per the Tentative Seniority List, and rejecting his case solely on the ground of pendency of C.C./ACB Case No. 04/RCT-ACB-VJA/2024, as illegal, arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution of India and contrary to G.O.Ms.No. 257, G.A. (Ser.C) Dept., dated 10.06.1999, and consequently direct the Respondents to consider the petitioner for promotion/delegation to the post of Municipal Assistant Engineer in accordance with law....”

2. Heard learned counsel for the petitioner and learned Standing Counsel for Vijayawada Municipal Corporation appearing for respondent No.4.

3. A case in Crime No.04/RCT-ACB-VJA/2024, dated 18.03.2024, was registered against the petitioner for the offence under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018. Pursuant to the same, he was placed under suspension and subsequently, reinstated into service.

4. The grievance of the petitioner is that the respondents are considering for promotions to the post of Municipal Assistant Engineer and he is not being considered for promotion on account of the above mentioned criminal case. The petitioner also made a representation dated 20.12.2025 to the 4th respondent requesting that his seniority be protected and his case be considered for promotion in accordance with the rules.

5. Learned counsel for the petitioner submitted that since the criminal case is pending, the petitioners' case is not considered for promotion. He further placed reliance on G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999 to substantiate the petitioner's case for consideration in terms thereof.

6. Considering the submissions, this Court is of the opinion that the case of the petitioner for promotion to the post of

Municipal Assistant Engineer in Vijayawada Municipal Corporation can be considered in terms of G.O.Ms.No.257, dated 10.06.1999.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the petitioner's case for promotion to the post of Municipal Assistant Engineer in Vijayawada Municipal Corporation, subject to the petitioner possessing requisite qualifications in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999. There shall be no order as to costs.

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

JUSTICE D.RAMESH

Date: 23.04.2026
lvd

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.9426 of 2026

Dated: 23.04.2026

Ivd