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

[3591]

WEDNESDAY, THE 24th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10758/2023

Between:

1. K S V N DURGA RAJU, S/O.SUBBA RAJU, AGED ABOUT 39 YEARS, OCC. JUNIOR ASSISTANT, X ADDL. DISTRICT COURT, WEST GODAVARI DISTRICT, NARASAPUR, WEST GODAVARI DISTRICT, A.P.

...PETITIONER

AND

1. HIGH COURT OF ANDHRA PRADESH, HIGH COURT OF ANDHRAPRADESH, AT AMARAVATI, GUNTUR DISTRICT, A.P.
2. THE PRINCIPAL DISTRICT JUDGE, WEST GODAVARI AT ELURU, A.P.
3. G V V VARAPRASAD, S/O.NOT KNOWN, OCC. TYPIST IN PRINCIPAL DISTRICT COURT, WEST GODAVARI DISTRICT, ELURU, WEST GODAVARI DISTRICT, A.P.
4. T N V S MURTHY, S/O.NOT KNOWN, OCC. TYPIST IN I ADDL. DISTRICT COURT, WEST GODAVARI DISTRICT, ELURU, WEST GODAVARI DISTRICT, A.P.
5. B DURGAPRAKASH, S/O.NOT KNOWN, OCC. TYPIST IN II ADDL.

JUDICIAL FIRST CLASS MAGISTRATE, ELURU, WEST GODAVARI JUDICIAL DISTRICT, A.P.

6. S GOPI, S/O.NOT KNOWN, OCC. TYPIST IN SENIOR CIVIL JUDGE COURT, TADEPALLIGUDEM, WEST GODAVARI DISTRICT, A.P.
7. A SATISH BABU, S/O.NOT KNOWN, OCC. TYPIST IN PRINCIPAL JUNIOR CIVIL JUDGE COURT , ELURU, WEST GODAVARI JUDICIAL DISTRICT, A.P.
8. S SRIKANTH, S/ O. NOT KNOWN, OCC. TYPIST IN X ADDL. DISTRICT COURT, WEST-GODAVARI DISTRICT, NARASAPUR, WEST GODAVARI DISTRICT, A.P.
9. Y DURGA PRASAD, S/O.NOT KNOWN, OCC. TYPIST IN SENIOR CIVIL JUDGE COURT, TADEPALLIGUDEM, WEST GODAVARI DISTRICT, A.P.
- 10.A AFZAL BASHA, S/O.NOT KNOWN, OCC. TYPIST IN FAMILY COURT, ELURU, WEST GODAVARI JUDICIAL DISTRICT, A.P.

...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 may be pleased to issue any writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the 2nd Respondent Principal District Judge, West Godavari vide order Dt.04.06.2019 in placing the petitioner at Sl.No.168 by placing the respondents 3 to 10 over and above the petitioner vide order Dt.04.06.2019 and the proceedings in ROC No. 158/2020-C-1, Dt.07.10.2022 of the 1st respondent in rejecting the appeal of the petitioner as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India apart from being in violation of Rule 26 of A.P. State and Subordinate Service Rules, 1996 and pass such other order or orders that may deem fit and proper in the circumstances of the case. Main prayer was amended as per c.o.dt.05.02.2026 vide I.A.No.1 of 2025 in W.P.No.10758 of 2023.

IA NO: 1 OF 2023

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 2nd Respondent to kept in abeyance the revised Gradation list for the year 2018 came in to existence by impugned order dt.04.06.2019 of the

2nd Respondent as confirmed by the 1st Respondent by virtue of impugned order dt.07.10.2022 pertains to the provisions of Petitioner and Respondents 3 to 10 pending disposal of the above writ petition and to pass

IA NO: 1 OF 2025

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 may be pleased to issue any writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the 2nd Respondent Principal District Judge, West Godavari vide order Dt.04.06.2019 in placing the petitioner at SI.No.168 by placing the respondents 3 to 10 over and above the petitioner vide order Dt.04.06.2019 and the proceedings in ROC No.158/2020-C-1, Dt.07.10.2022 of the 1st respondent in rejecting the appeal of the petitioner as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India apart from being in violation of Rule 26 of A.P. State and Subordinate Service Rules, 1996 and pass

IA NO: 2 OF 2025

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 may be pleased to receive the reply affidavit on record by allowing the leave petition in the interest of justice and to pass

Counsel for the Petitioner:

1.MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1.B VASANTHA LAKSHMI

2.GHANTA SRIDHAR

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10758/2023

This Court made the following ORDER:

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

The petitioner herein had been appointed as a Junior Assistant in Guntur District, under the Andhra Pradesh Judicial Ministerial Service Rules, 2003. He sought a request transfer to West Godavari District and the same was approved by the Hon'ble High Court, on 30.09.2014. Thereafter, he was posted to Eluru District, by proceedings, dated 13.10.2014.

2. The Gradation Lists showing the seniority of the Junior Assistants in the West Godavari District, were published for the years, 2015, 2016 & 2017. In these lists, the petitioner was shown to be the senior to the respondents 3 to 10. It may also be noted that, at the relevant point of time, the petitioner was an approved probationer, while the private respondents were at the stage of probationers and probation has not yet been approved.

3. The private respondents did not file any objections to the Gradation Lists, for the years, 2015, 2016 & 2017. The petitioner would contend that, the private respondents had accepted the said lists, by specifically stating that, they had no objection to the seniority, set out in these lists.

4. However, when the Gradation List for the year, 2018, was published, the private respondents raised objections, in September, 2018, that the petitioner would have to be placed below them, in the order of seniority in as

much as the petitioner joined, in the West Godavari Unit only, in the year, 2018, on a request transfer and the Rules specified that the petitioner would have to be placed below the existing probationers. The learned Principal District Judge, gave a notice to the petitioner about the objections raised by the private respondents. The petitioner is said to have filed objections, contending that, the private respondents cannot raise the question of seniority, at this belated stage, in as much as his name was shown above their names, in the seniority list, for the years, 2015, 2016 & 2017.

5. The learned Principal District Judge, after considering the said objections, had passed an Order, dated 04.06.2019, amending the Gradation Lists and placing the private respondents above the petitioner. Aggrieved by this Order, the petitioner filed an Appeal, on 11.07.2019, before the Appellate Authority. The said Appeal came to be dismissed, on 07.10.2022. Aggrieved by the said Orders of the Appellate Authority as well as the Original Authority, the petitioner has now approached this Court, by way of the present Writ Petitioner.

6. Sri M. Vijay Kumar, the learned Senior Counsel appearing on behalf of Sri Manoj Kumar Bethapudi, the learned counsel for the petitioner, would contend that, the private respondents having accepted the seniority of the petitioner, in the earlier years, cannot turn around and dispute the said seniority, after more than three (03) years have lapsed.

7. The learned Senior Counsel appearing for the petitioner, would also contend that, the private respondents are estopped from raising such

contentions, and consequently, the learned Principal District Judge, could not have considered such objections. The learned Senior Counsel would further contend that, the Rules do not grant any power or jurisdiction to the learned Principal District Judge to make any modification of a Gradation List, which is the final list. He would submit that, any such modification could only have been modified, by way of an Appeal provided, under Rule 26 of the Andhra Pradesh State and Subordinate Service Rules, 1996.

8. Smt. B. Vasantha Lakshmi, the learned Standing Counsel appearing for the respondents, would contend that, the learned Principal District Judge has the power to rectify any error, which has been brought to the notice of the learned Principal District Judge even after the Gradation List has been prepared.

9. The learned Standing Counsel appearing for the respondents, would also contend that, the Rules effectively do not discriminate between approved probationers and probationers in as much as the Rules specifically stipulates that, an approved probationer, who seeks a request transfer to another unit, would have to be placed below the existing probationers. The learned Standing Counsel appearing for the respondents, would further contend that, in such circumstances, the orders of the learned Principal District Judge as well as the Appellate Authority do not require any interference.

10. Sri Ghanta Sridhar, the learned counsel appearing for the private respondents, would adopt the contentions raised, by Smt. B. Vasantha Lakshmi, the learned Standing Counsel appearing for the respondents.

Consideration of the Court :

11. The factual matrix that is required to be considered by this Court is as follows:

The petitioner herein was transferred and joined duty, in the West Godavari Unit on 13.10.2014 as Junior Assistant, as approved probationer. The respondents 3 to 10 were already in service by then in West Godavari, as probationers.

12. The seniority of the petitioner, vis-à-vis respondents 3 to 10 was fixed for the first time in the Gradation list of 2015. In this Gradation list, the petitioner was placed above respondents 3 to 10. No objection was raised to this Gradation list, when it is said to have been communicated to the respondents 3 to 10 in September, 2016. Similar Gradation lists served on the respondents 3 to 10 for the years 2016 and 2017 were also accepted by the respondents 3 to 10.

13. The respondents 3 to 10, after being served with the Gradation list for the year 2018, raised objections to the seniority given to the petitioner on the ground that the seniority of the petitioner should have been placed below the respondents 3 to 10, in accordance with Rule 28(2) of the Andhra Pradesh Judicial Ministerial Service Rules, 2003.

14. The submission on the part of the petitioner is that the request made by the respondents 3 to 10 to the Hon'ble Principal District Judge, West Godavari District ought to have been rejected by the Principal District Judge on the ground that the appropriate remedy available to the respondents 3 to 10 was an appeal under Rule 26 of the A.P State Sub-Ordinate Service Rules, 1996. It is contended that the action of the Principal District Judge in taking up the said complaint of the respondents 3 to 10 is without jurisdiction and would have to be set aside.

15. The learned Standing Counsel appearing for the official respondents and the learned counsel appearing for the respondents 3 to 10, on the other hand, contend that the Principal District Judge was entitled and empowered to modify the Gradation list, on the complaint of the respondents 3 to 10 as the Principal District Judge was only rectify an apparent error.

16. The second objection raised by the petitioner is that any objection to the Gradation list ought to be filed within a reasonable time and the complaint given by the respondents 3 to 10 in September, 2018 is clearly beyond any reasonable time that may be pointed out and that the respondents 3 to 10 were sitting on the fence and did not take any timely action. On the other hand, it is the contention of the respondents that the Government Memo *vide* Cir.Memo No.57759/Ser.A/2004-1, dated 20.05.2004 provided a period of three years within which revision of seniority could be made and that the said period would only commence from 17.06.2016 when the Gradation list for the year 2015 had been served on the respondents 3 to 10.

17. A perusal of the request for revision for seniority, made by the respondents 3 to 10, would show that no request has been made for revision of seniority for the years 2015, 2016 and 2017. These Gradation lists have become final inasmuch as the period within which a request for revision of this Gradation list could have been made, has expired.

18. As the Gradation lists for the years 2015 to 2017 have become final, the Principal District Judge could not have modified the Gradation list for the year 2018. Another aspect, that is to be considered, is the material placed before this Court, by the petitioner by way of a rejoinder to the counter-affidavit filed by the 2nd respondent. In this material, the petitioner has also produced the copies of the acknowledgments given by various employees to the Gradation list of 2015. In these acknowledgments, respondents 4, 5 and 8 had acknowledged receipt of the Gradation list with the endorsement that they have no objection to the Gradation list. The acknowledgments given for the Gradation list for the year 2016 also has the endorsements of respondents 4 and 9 that the Gradation list is correct.

19. As the respondents 3 to 10 have not challenged the Gradation list for 2015, 2016 and 2017, they would also be estopped from challenging the Gradation list for the year 2018.

20. In the circumstances, the decision of the Principal District Judge modifying the seniority in the Gradation list of 2018, to the detriment of the petitioner, was not permissible.

21. We have not gone into the question of the power of the Principal District Judge to rectify the Gradation list of 2018 and whether such power is available to the Principal District Judge, when appeals are to be filed against such fixation of seniority in Gradation list, under Rule 26 of AP State and Sub-Ordinate Service Rules, 1996.

22. For the aforesaid reasons, this Writ Petition is allowed setting aside the impugned order of the Principal District Judge, dated 04.06.2019 and the seniority set out in the original Gradation list of 2018 as on 01.07.2018 shall stand restored. There shall be no order as to costs.

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

R RAGHUNANDAN RAO, J

TUHIN KUMAR GEDELA, J

Date:24.06.2026

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Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10758/2023

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