



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

[3208]

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 11954/2026

Between:

1. PALAVALLI RAGHURAMAIAH GIRINATH,, S/O. PALAVALLI REGHURAMAIAH, AGED 62 YEARS, OCC. ASSISTANT ENGINEER, ROADS AND BUILDINGS (R AND B) DEPARTMENT, CHILLAKUR SECTION, GUDUR SUB-DIVISION, SPSR NELLORE DISTRICT-524101.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, TRANSPORT, ROADS AND BUILDINGS DEVELOPMENT, BLOCK NO.5, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522238.

2. THE ENGINEERINCHIEF, ROADS AND BUILDINGS DEPARTMENT, ADMINISTRATION, HOD BUILDING, VIJAYAWADA-520010.

3. THE DEPUTY ENGINEERINCHIEF, O/O. THE ENGINEER-IN-CHIEF, ROADS AND BUILDINGS DEPARTMENT, ADMINISTRATION, HOD BUILDING, VIJAYAWADA-520010.

...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 topleased to issue a Writ Order, or direction more particularly one in the nature of Writ of Mandamus, declaring the illegal action of the

respondents in not promoting the petitioner from the post of Assistant Engineer to the post of Deputy Executive Engineer as he was crossed 45 years age by giving exemption in passing the departmental test in terms of G.O.Ms.No.225, dated.18-05-1999 and having completed 5 years of service in the above cadre in terms of Civil Appeal Nos.9856/2016 and batch of the Hon'ble Supreme Court of India, the petitioner is entitle to promote Deputy Executive Engineer on par with his juniors in spite of his repeated representations dated.26-11-2019, 03-06-2021, 26- 06-2021, 29-06-2021, 30-06-2021, 28-10-2021, 11-07-2024, 12-07- 2024, 20-05-2025 and 03-02-2026 which is illegal, arbitrary, unconstitutional, contrary to law and violation of Articles 14 and 16 of the Constitution of India and consequently direct the respondents herein to promote the petitioner from the post of Assistant Engineer to the post of Deputy Executive Engineer on par with his juniors with retrospective effect with all consequential benefits taking into consideration that he is going to retire on 31-05-2026 on attaining the age of superannuation at the age of 62 years and pass

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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 grant interim direction, directing the respondents herein to consider the petitioner's representations dated.26-11- 2019, 03-06-2021, 26-06-2021, 29-06-2021, 30-06-2021, 28-10- 2021, 11-07-2024, 12-07-2024, 20-05-2025 & 03-02-2026 forthwith and consider his promotion to the post of Deputy Executive Engineer in terms of G.O.Ms.No.225, dated. 18-05-1999 and on completion of 5 years of service in the cadre of Assistant Engineer, taking into consideration that he is going to retire on 31-05-2026 and pass

Counsel for the Petitioner:

1.CHALLA SIVASANKAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

The Court made the following ORDER:

1. This Writ Petition is filed aggrieved by the action of the respondents in not promoting the petitioner from the post of Assistant Engineer to the post of Deputy Executive Engineer by granting exemption from passing the departmental tests, though the petitioner had crossed the age of 45 years in terms of G.O.Ms.No.225, dated 18.05.1999, and had also completed five (05) years of service in the said cadre in terms of the judgment rendered by the Hon'ble Supreme Court of India in Civil Appeal Nos.9856 and 9860 of 2016 and batch, which is illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. The learned counsel for the petitioner submits that, though the petitioner is entitled to be considered for promotion to the post of Deputy Executive Engineer on par with his juniors, the respondents have failed to consider his case. It is further submitted that, despite several representations made by the petitioner dated 26.11.2019, 03.06.2021, 26.06.2021, 29.06.2021, 30.06.2021, 28.10.2021, 11.07.2024, 12.07.2024, 20.05.2025 and 03.02.2026, the respondents have neither considered the petitioner's claim nor passed any orders thereon till date. Hence, the present Writ Petition.

4. The learned counsel for the petitioner has brought to the notice of this Court that an identical issue has already been considered and decided

by the Hon'ble Apex Court in Civil Appeal Nos.9856 and 9860 of 2016, dated 27.09.2016. The relevant portion of the judgment reads as follows:

“In the context of the service such as the one to which R. Venkata Ramudu belongs, what is more relevant is the technical qualification of the employee and the experience gained in utilizing such technical qualification for the service of the State than the knowledge of accounts, a subject which is of incidental significance. Because knowledge of accounts is relevant only for the discharge of administrative responsibilities to be shouldered by the engineers. Their essential duty is to provide skills of technical knowledge to the State. That is why the Rules prescribe an experience of 5 years as an Assistant Executive Engineer for being promoted to the next higher category of Deputy Executive Engineer. An Assistant Executive Engineer, even if he passes the account test within the prescribed period of probation of two years, will not be considered for promotion till he completes 5 years of service. Therefore, we are unable to agree with the logic employed by the Tribunal and confirmed by the High Court in this regard.

For the abovementioned reasons, the judgment under appeal cannot be sustained and the same is accordingly set aside. As a consequence, the OAs filed by R. Venkata Ramudu and others are required to be allowed as prayed for. Ordered accordingly.”

5. Relying upon the aforesaid judgment of the Hon'ble Apex Court, the learned counsel for the petitioner submits that the petitioner is similarly

situated and is entitled to be considered for promotion to the post of Deputy Executive Engineer by granting exemption from passing the departmental tests, in view of his having crossed the age of 45 years and having completed the requisite length of service.

6. Considering the submissions made by the learned counsel for the petitioner, and upon perusal of the material available on record, this Court is of the considered view that the Writ Petition can be disposed of with appropriate directions, without going into the merits of the case. Accordingly, the Writ Petition is disposed of directing the respondent Nos.1 and 2 to consider the request made by the petitioner vide representation dated 03.02.2026, in the light of the judgment passed by the Hon'ble Apex Court in Civil Appeal Nos.9856 and 9860 of 2016, dated 27.09.2016, and pass appropriate orders, in accordance with law, within a period of three (03) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE D RAMESH

29.04.2026

klk

THE HONOURABLE SRI JUSTICE D RAMESH

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28.04.2026

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