



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

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 612/2025

Writ Appeal under clause 15 of the Letters Patent to SET-ASIDE the order dated 28.10.2022 passed in WP. No. 10669 of 2020 by a learned single judge of this Hon'ble Court, in the interest of justice and pass

Between:

1. PINNAMANENI MANOJ, S/O PANDURANGA RAO, AGED ABOUT 31 YEARS, R/O 11-307, CHALLAPALLI VILLAGE, CHALLAPALLI MANDALAM, KRISHNA DISTRICT.
2. VENNA VINOD,, S/O NAGARAJU AGED ABOUT 31 YEARS, R/O 3-96, YENDAPALLI VILLAGE, U. KOTHAPALLI MANDALAM. EAST GODAVARI DISTRICT.

...APPELLANT(S)

AND

1. K BALAJI NAVEEN KUMAR, S/O KAMMANNA, AGED ABOUT 35 YEARS, R/O 9/578/2, KADIRI, ANANTHAPURAM DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY IT'S PRINCIPAL SECRETARY (ANIMAL HUSBANDRY), SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI.

3. THE DIRECTOR, ANIMAL HUSBANDRY DEPARTMENT, NTR
VETERINARY SUPER SPECIALTY HOSPITAL PREMISES,
LABBIPET, VIJAYAWADA.

...RESPONDENT(S):

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 to condone the delay of 879 days in filing the present appeal against the Order Dated 28.10.2022 passed in WP No 10669 OF 2020 in the interests of justice and pass

IA NO: 3 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 to SUSPEND the operation of order dated 28.10.2022 passed in WP. No. 10669 of 2020 by learned single judge of this Hon'ble Court, in the interest of justice and pass

Counsel for the Appellant(S):

1. J.V. PHANIDUTH

Counsel for the Respondent(S):

1. P V VENKATA RAVI SANKAR and Dr. P.B Reddy

2. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA
I.A.No.02 of 2025
In /And
WRIT APPEAL No.612 of 2025

COMMON ORDER: *(Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

IA NO: 2 OF 2025

The 1st respondent herein filed W.P.No.10669 of 2002 against the respondents 2 and 3 and the same was disposed of under the orders dated 28.10.2022. Questioning the said orders, the petitioners herein (*third parties*) filed the present appeal vide W.A.No.612 of 2025, along with a leave petition, with a delay of (879) days and the present application is filed for condonation of the said delay. Application filed for granting leave was allowed under orders dated 29.12.2025 in I.A.No.1 of 2025.

2. Main contention of the petitioners is that they are affected parties, and they came to know about the orders passed in the Writ Petition through proceedings dated 25.02.2025 in Roc.No.AHF02-OPES/189/2025-Estt/B1, immediately obtained certified copies and filed the present appeal, therefore, there is a delay.

3. The 1st respondent/writ petitioner filed counter contending that the appellants are fully aware of the selection process of the year

2018, which is the subject matter and they are also aware of the orders of the learned Single Judge; long after disposal of the Writ Petition, they have filed the present appeal with the application for condonation of delay. There are no sufficient grounds to condone the delay and the application is liable to be dismissed.

4. The respondents 2 and 3 did not choose to file any counter.
5. Arguments are advanced by both sides, reiterating their respective contentions.
6. Now the point that arise for determination is that –
Whether there are sufficient grounds to condone the delay of (879) delays in filing the appeal?

Point:-

The relief prayed in the Writ Petition:

7. The 1st respondent herein filed the Writ Petition No.10669 of 2002, with the following prayer :-

“to issue a Writ, Order or direction more particularly in the nature of Writ of Mandamus declaring the proceedings dated 05.01.2019 vide No. Proc. Roc. No.9054/BII/B2/2018-4 issued by the respondents in selecting and issuing appointments is arbitrary, illegal colourable exercise and violative of Articles 14 and 16 of Constitution of India and quash or set aside the same and to issue a consequential direction to the respondents to prepare select list by taking into consideration the conditions in G.O.Ms.No.52 dated 28.10.2016 and following the rule of reservation as per merit and to pass such other order or orders...”

8. The 2nd respondent herein in the Writ Petition issued Notification dated 19.11.2018 for recruitment of (247) Veterinary Assistant Surgeon (VAS) under the category 6 of Class-A in Animal Husbandry Department under Government of A.P., out of which, 72 posts are notified in Zone-IV. (5) Posts were earmarked for BC-A.

9. The contention of the Writ Petitioner is that the appointment of the posts is governed by G.O.No.52, dated 28.10.2016; the selection list is issued without issuing merit marks for Zone-IV, as per the conditions under the G.O.No.52, the selection is based on the marks, as per their qualification, experience, and seniority, after graduation. The petitioner secured 54.8 points. The highest merit point in open category (OC) is 55.22, the least point in BC-A category is 56.08. The person who secured more marks under BC-A category compared to Open Category was given appointment under reserved category although he should have been considered under the Open Category. Therefore, the Writ Petitioner is deprived to get the selection under notification issued. The person who secured more marks is entitled to be admitted on the basis of his own merit and he should not be counted against the quota reserved for BC-A category.

10. The contention of the 2nd respondent in the Writ Petition, is that as per Rule 22(a) and (e) of A.P. Sub-Ordinate Service Rules, 1996 a (100) cycle Roster points are prescribed and also framed the Rules

that the special category like SC,ST,BC and PH, roster point shall be filled up with the candidates and that particular category duly observing the merit list in OC category. The petitioner secured only 54.84 points. The highest merit point in open category (OC) is 55.22, the least point in BC-A category is 56.08.

11. Learned Single Judge, after considering the contentions of both sides, particularly with reference to the roster points and placing the candidate falling under BC-A category though secured more marks than the Open Category(OC) candidates instead of placing in OC category placing in BC-A is not correct and the Rule of reservation is not followed properly. Thereby directed the respondents redraw the merit list while considering the candidature of the reserved category against unreserved post as per the merit and thereafter remaining candidates of the reserved category shall be considered against the quota of reservation, according to the Rules, within a period of three (03) months.

12. The specific objection of the 1st respondent for the present application is that the orders of the learned Single Judge dated 28.10.2022 directing to redraw the merit list considering the rule of reservation within three (03) months. Thereafter, the writ petitioner has filed Contempt Case No.2369 of 2023 against the respondents in the writ petition and the said Contempt Case is closed on 12.02.2024,

giving liberty to the writ petitioner to assail the redrawn merit list in accordance with law. Thereafter, the Writ Petitioner [Respondent No.1 herein] has also filed W.P.No.7380 of 2024 on redrawn merit list.

13. Contention of the 1st respondent/ Writ Petitioner would indicate that implementation of the orders covered by W.P.No.10669 of 2020 was considered in C.C.No.2369 of 2023 and the Writ Petitioner is given liberty to assail remedies against the redrawn merits by separate legal proceedings and he has also resorted to the said legal proceedings. Therefore, whether the cause covered by W.P.No10669 of 2020 survives is a serious question. However, except stating that the petitioners herein are not parties to the Writ Petition and that they came to know about the Writ Petition proceedings, when increments are stopped, there is no other ground found to be considered as the reason for the delay.

14. Upon considering the factual scenario, the reasons stated for the delay in the light of the objections and developments pertaining to the orders in the Writ Petition, we find no merits in the application, hence, the present application is liable to be dismissed.

15. Accordingly, the I.A. is dismissed.

W.A.No.612 of 2025:-

16. In view of the dismissal of I.A.No.2 of 2025, the Writ Appeal is dismissed. There shall be no order as to costs.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Date: 31.03.2026
Pnr

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

I.A.No.02 of 2025
In/And
WRIT APPEAL No.612 of 2025

Dt. 31 -03-2026

Pnr