



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

[3208]

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 13106/2026

Between:

1.K. VENKATESWARA RAO,, S/O.K.SOMAYYA, AGED ABOUT 48 YEARS, WORKING AS GRADE-II VILLAGE REVENUE OFFICER, BANDAPURAM VILLAGE, DEVARAPALLI MANDAL, ELURU DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI - 522238

2.THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, ELURU DISTRICT, ELURU. - 534 001

3.THE REVENUE DIVISIONAL OFFICER, KOWUR DIVISION, ELURU DISTRICT.-534 350

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in excluding the petitioner from consideration/promotion to the post of Grade-I Village Revenue Officer Grade I, despite inclusion of petitioner in finalized eligibility list and despite no disciplinary proceedings pending as on the crucial date, as illegal,

arbitrary, violative of Rule 5(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, contrary to the law laid down in W.P.No.5627/2026 dated 26.02.2026, violative of Articles 14 and 16 of the Constitution of India, and consequently direct the respondents to consider the petitioner for promotion to the post of Grade-I Village Revenue Officer without reference to the Articles of Charges dated 16.10.2025 and 30.01.2026, strictly in accordance with Rule 5(b) of A.P. State and Subordinate Service Rules, 1996, and promote as Village Revenue Officer Grade II with all consequential benefits by extending the benefit of the final orders passed in W.P.No.5627/2026 dated 26.02.2026

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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 issue appropriate directions to the respondents to consider the petitioner for promotion to the post of Grade-I Village Revenue Officer without reference to the Articles of Charges dated 16.10.2025 and 30.01.2026, strictly in accordance with Rule 5(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, in the light of the judgment W.P.No.5627/2026 dated 26.02.2026

Counsel for the Petitioner:

1.K R SRINIVAS

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following ORDER:

1. This Writ Petition is filed aggrieved by the action of the respondents in excluding the petitioner from consideration for promotion to the post of Grade-I Village Revenue Officer, despite inclusion of the petitioner's name in the finalized eligibility list and despite there being no disciplinary proceedings pending against the petitioner as on the crucial date, which is illegal, arbitrary, violative of Rule 5(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, and contrary to the law laid down in W.P.No.5627 of 2026 dated 26.02.2026.

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

3. 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.

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

5. Considering the submissions made and without going into the merits of the case this Writ Petition is disposed of, with a direction to the respondent authorities to consider the case of the petitioner for promotion

to the post of Grade-I Village Revenue Officer, if he is otherwise within the zone of consideration, in terms of Rule 5(b)(i) of the Andhra Pradesh State and Subordinate Service Rules, 1996, without reference to the Articles of Charges dated 16.10.2025 and 30.01.2026 issued by the respondents. There shall be no order as to costs.

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

JUSTICE D RAMESH

05.05.2026

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THE HONOURABLE SRI JUSTICE D RAMESH

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05.05.2026

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