



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

[3331]

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14838/2026

Between:

Sri Gadde Suryanarayana and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. ABHISHEK NAIDU AKKENA

Counsel for the Respondent(S):

1. M SRIKANTH

2. P V A PADMANABHAM

3. ADAPA RAMYA SAHITHI NAIDU

4. GP FOR SERVICES I

5. KAVITHA GOTTIPATI

The Court made the following order:

Heard Sri Vijay Kumar, learned Senior Counsel assisted by Sri Abhishek Naidu Akkena, learned counsel for the petitioners, Sri G.Raju, learned Government Pleader for Services-I appeared on behalf of respondent Nos.1, 2 and 3, Sri M.Srikanth, learned counsel appeared on behalf of respondent Nos.4 to 8, Sri P.V.A.Padmanabham, learned counsel appeared

on behalf of respondent Nos.9 to 13, Ms.Kavitha Gottipati, learned counsel appeared on behalf of respondent Nos.14 and 15 and Sri Kondaveeti Ravi, learned Senior Counsel, assisted by Ms. Adapa Ramya Sahithi Naidu, learned counsel for respondent No.16.

2. Assailing the proceedings of respondent No.2 *vide* Cr.No.12021/19/2026/CPE/B1, dated 18.05.2026 (Ex. P-1), the petitioners, five in number, working as Assistant Prohibition and Excise Superintendents (hereinafter for short 'AP & ESs'), Multi Zone-II (for short 'MZ-II') filed the above writ petition.

3. The 2nd respondent *vide* proceedings Cr.No.12022/2/2023/CPE/B1, dated 05.12.2025 (Ex. P-2) prepared a Revised Provisional Seniority list of AP & ESs of MZ-I & II for the panel years 2018-2019, 2019-2020, including the panel year 2023-2024, and called for objections from the stakeholders. An Integrated Revised Provisional Seniority list of AP & ESs of MZ-I and II was prepared as Annexure-III, along with Annexure-I and II. Several objections have been received from stakeholders working as Assistant Prohibition and Excise Inspectors. A committee was constituted under the supervision of Assistant Secretary (Services) *vide* Cr.No.12022/2/2023/CPE/B1, dated 12.02.2026 (Ex. P-3). The 2nd respondent directed the committee to re-verify the Revised Provisional Seniority list by examining the objections received and to prepare suitable replies thereto within fifteen days for the disposal of the objections.

4. Thereafter, the 2nd respondent issued proceedings impugned (Ex. P-1), an Integrated Seniority list of AP & ESs, MZ-I & II, who were promoted during the panel years 2018-2019 and 2019-2020, for the purpose of considering the temporary promotions of twenty (20) AP & ESs to the cadre of Prohibition and Excise Superintendents, purely on administrative exigencies and subject to review of panels in the cadre of Prohibition and Excise Superintendents after finalization of the seniority list of AP & ESs.

5. Sri Vijay Kumar, learned Senior Counsel, would submit that, pending consideration of the objections, issuance of Ex. P-1 by the 2nd respondent is impermissible. Learned Senior Counsel would further point out the discrepancy regarding the date of proposed regularisation in Ex. P-2 and the date of proposed regularisation in Ex. P-1 in respect of Sri C.Bhargava and G.Panduranga Rao. He would further submit that the name of Sri U.Subba Rao mentioned in SI.No.18 does not find a place in Ex. P-2 Provisional Seniority list for MZ-I and II, or in the Revised Provisional Integrated Seniority list (Annexure-III). Thus, learned Senior Counsel would submit that the proceedings *vide* Ex. P-1 need to be interdicted. Learned Senior Counsel further submits that the Departmental Promotion Committee (DPC) was conducted on 08.06.2026.

6. On the other hand, learned Government Pleader and other learned counsels would submit that the petitioners have no locus to file the writ petition. The petitioners were not born in the cadre of AP & ESs for the panel years 2018-2019 and 2019-2020.

7. Sri G.Raju, learned Government Pleader, would submit that to meet administrative exigencies, Ex. P-1 was issued, and the same is subject to further review in the cadre of Prohibition and Excise Superintendents after finalisation of the seniority list in the cadre of AP & ESs. He would further submit that the position assigned to the persons in Ex. P-1 differs from those reflected in Ex. P-2 owing to the distinct criteria adopted for the preparation of those two lists. While preparing the seniority list dated 05.12.2025, the date of arising of substantive vacancies was taken as the basis for determining the date of regularisation. However, the seniority list Ex. P-1, dated 18.05.2026, was prepared based on the date of joining the cadre. Learned Government Pleader would further submit that *ad hoc* promotions are permissible as per Rule 10(a) of the Andhra Pradesh State and Subordinate Service Rules, 1996 (hereinafter for short 'Rules').

8. Sri Kondaveeti Ravi, learned Senior Counsel, would submit that against Ex. P-1, a statutory appeal would lie under Rule 26 of the Rules. However, without availing an efficacious alternative remedy, the petitioners have filed the writ petition. Learned Senior counsel further submits that, as per Rule 6 (d) of the Rules, vacancies owing to retirement and consequential vacancies due to promotion or appointment by transfer can be notified.

9. Sri Padmanabham, learned counsel appearing on behalf of respondent Nos.9 to 13, while placing reliance upon ***Kalasagaram, Secunderabad Cultural Association v. State of Andhra Pradesh and others***¹, would

¹ (1997) 6 ALD 277

submit that the writ petition itself is not maintainable, since the petitioners fail to demonstrate the infringement of their legal right as of the date of the filing and the corresponding legal obligation on the part of 2nd respondent.

10. Sri Srikanth and Smt G.Kavitha learned counsel appearing for respondents would also submit that, as per Rule 2 of the Assistant Prohibition and Excise Service Rules, 1961, one should have a minimum of two years of service to be considered for promotion.

11. The point for consideration is:

Whether the petitioners have made out a *prima facie* case for the grant of an interim order.

12. As noted *supra*, petitioners have filed the above writ petition seeking Writ of Mandamus to declare the proceedings issued by respondent No. 2 (Ex.P-1), without finalisation of seniority list, as illegal, arbitrary and a violation of Articles 14, 16 and 21 of the Constitution of India and contrary to Andhra Pradesh State and Subordinate Service Rules.

13. In ***Kalasagaram's*** case (*supra*-1), a learned Single Judge of the Composite High Court, *vis-à-vis* the scope of Writ of Mandamus, at paragraph No.14 observed as follows:

“....14. Even if it is to be assumed that the impugned order suffers from some infirmities, should the Court grant relief to the petitioner and issue writ as prayed for? Whether the petitioner is entitled for any relief from this Court? It is settled law that this Court does not issue writs in exercise of its jurisdiction under Article 226 of the Constitution of India, as a matter of course. The Court exercising jurisdiction under Article 226 of the Constitution of India is also a

Court of equity. ***The relief to be granted in exercise of such power is an equitable one. Mere infraction of a statutory provision would not automatically give rise to a cause for issuing a writ of Mandamus.*** The Court of equity, when exercising its equitable jurisdiction under Article 226 of the Constitution, must so act as **to prevent perpetration of a legal fraud** and the Courts are obliged to do justice by promotion of good faith, as far as it lies within their power. Equity is always known to defend the law from crafty evasions and now subtleties invented to evade law' (See *A.P State Financial Corporation v. Gar Re-Rolling Mills*, (1994) 2 SCC 647 at 662. **Writ of Mandamus is highly discretionary remedy as the aggrieved person has to not only establish the infraction of a statutory provision of law but required to further establish that such infraction has resulted in invasion of a judicially enforceable right.** The existence of a right is the foundation of the jurisdiction of Court to issue a writ of Mandamus..." (emphasis is mine)

14. Let this court examine whether the petitioners made out a prima facie case for the grant of an interim order at this juncture. No doubt, as seen from Ex. P-2, the 2nd respondent, called for objections from all the stakeholders regarding the revision of the Provisional Seniority list for the years 2018-2019 and 2019-2020, and further Provisional Seniority list for the year 2023-2024 in the cadre of AP & ESs of MZ-I & II and the integrated Provisional Seniority list. In fact, as seen from Ex. P-3, several objections were received from the stakeholders, and hence, a committee was constituted. As seen from Ex. P-3, respondent No. 2 directed the committee to re-verify the Revised Provisional Seniority list (Ex. P-2) and prepare suitable replies to the objections within fifteen days for the disposal of the objections. It seems the said exercise is in process.

15. The Ex. P-1, impugned in the writ petition, a list of twenty candidates was prepared from MZ-I & II in the cadre of AP & ESs to consider their case

for promotion to the cadre of Prohibition and Excise Superintendents purely on administrative exigencies, subject to review of panels. In this connection, the stand of the State, as argued by the learned Government Pleader, the appointments, if any, are purely *ad hoc* and temporary in nature, and the said course is permissible under Rule 10(a) of the Rules. The same is recorded.

16. No doubt, the arguments of the learned Senior Counsel in the first breath are appealing for the grant of an interim order. However, a scrutiny of Ex. P-1 and submissions of learned Government Pleader and other learned counsels appearing for respondents, the Ex. P-1 list was prepared to meet administrative exigencies and is not final; it is subject to review by the panels. Hence, granting any inter order at this juncture will hamper the administrative exigency. After a counter-affidavit by the State, the issue will be considered, in the opinion of this court.

17. In fact, as pointed out *supra*, the petitioners' legal right, if any, as of today has not been infringed. The petitioners will complete two years in the cadre of AP & ESs by 27.09.2026. The right, if any, will be accrued to petitioners on 27.09.2026. Of course, this Court is not recording any finding at this juncture against the petitioners vis-à-vis locus standi. That issue will be adjudicated after the counter-affidavit. One should not be oblivious to the fact that seniority and eligibility are different, and even for a temporary promotion, eligibility is mandatory.

18. Given the facts and circumstances of the case, the promotions, if any, pursuant to Ex.P-1 are subject to further orders in the interlocutory application or the writ petition.

19. List the matter on 23.06.2026 in the 'Motion List'.

20. Learned Government Pleader shall ensure the filing of the counter-affidavit in the meantime.

Dated: 11.06.2026
KBN

SUBBA REDDY SATTI, J