

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 28946 OF 2021

Between:

1. Smt. M Radhika, D/o. Late M. Chengaiah, Aged about 53 years, Senior Assistant, S.V.U. College of Science, Tirupati, Chittoor District.
2. Smt. V. Devika, W/o. Late B. Gopal Rao, Aged about 38 years, Senior Assistant, Department of Home Science, S.V.U. College of Science, Tirupati, Chittoor District.
3. Smt. O. Nagamaheswari, D/o. O.Subramanyam Chetty, Aged about 42 years, Senior Assistant, Finance & Accounts Branch, S.V.U. Office, Tirupati, Chittoor District.
4. K. Sankaraiah, S/o. Eshwaraiah, aged about 53 years, Senior Assistant, Examinations Branch, S.V.U. Office, Tirupati, Chittoor District.
5. Smt M. Suryaprabha, D/o. M.Yerra Reddy, Aged about 54 years, Senior Assistant, S.V.U. College of Science, Tirupati, Chittoor District.
6. N. Rajesh, S/o. Sudhakar, Aged about 38 years, Senior Assistant, S.V.U. Engineering Department, Tirupati, Chittoor District.
7. P. Karunakara Reddy, S/o. Rajendra Reddy, Aged about 42 years, Senior Assistant, Finance & Accounts Branch, S.V.U. Office, Tirupati, Chittoor District.
8. S. Md. Azeem, S/o. Mohd. Ibrahim, Aged about 57 years, Senior Assistant, Examinations Branch, S.V. University, Tirupati, Chittoor District.
9. M. Jayachandra, S/o. M. Chengaiah, Aged about 54 years, Senior Assistant, S.V.U. College of Engineering Hostel, Tirupati, Chittoor District.
10. Smt. K. Latha, W/o. K. Nagaraja Naidu, Aged about 52 years, Senior Assistant, Finance & Accounts Branch, S.V. University, Tirupati, Chittoor District.
11. V. Jayaramaiah, S/o. V.Gazaiah, Aged about 57 years, Senior Assistant, Finance & Accounts Branch, S.V.U. Computer Centre, Tirupati, Chittoor District.
12. P. Balaji, S/o. Parusuramaiah, Aged about 37 years, Senior Assistant, SVU Engineering Department, Tirupathi, Chittoor District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Higher Education Department, Secretariat Buildings, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Sri Venkateswara University, Rep by its Vice Chancellor, Tirupati, Chittoor District.
3. The Registrar, Sri Venkateswara University, Tirupati, Chittoor District.
4. The Andhra Pradesh State Council for Higher Education, (A Statutory Body of the Govt. of A.P.), I & II Floors, C-Block, Sree Mahendra Enclave, Tadepally-522 501, Guntur District, Rep. by its Secretary.

...Respondents

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 issue an order or orders more particularly one in the nature of the Writ of Mandamus, declaring that the passing of the Executive Council Resolution dated 09.01.2020, resolved to give promotion to the eligible employees of the University for this time only, however, all the employees, who got promotions after 2004 should qualify the Departmental Tests Part-I and Part-II, conducted by the APPSC, within two consecutive attempts starting from now, else they will be reverted back and consequently issuance of Notice No.E.1 (2) /Deptl.Test/ 2020, dated 01.12.2021, to the petitioners herein, as to why their services should not be reverted from their posts, on the ground of non-passing of the Departmental Test of Part-I and Part-II conducted by the Andhra Pradesh Public Service Commission, as illegal, improper, arbitrary, unjust, non-application of mind, violative of principles of natural justice, violative of Articles 14, 16, 19 and 21 of the

Constitution of India and unconstitutional and set aside the same, by holding that the promotions already made to the petitioners are proper and legal.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 2 and 3, to continue the services petitioners in respective posts in the 2nd Respondent-University, without reference to the individual Notices issued to the petitioners herein, vide Notice No. E.1(2)/Deptl.Test/2020, dated 01.12.2021, issued by the 2nd respondent, pending disposal of WP 28946 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri CH Venkat Raman, Advocate for the Petitioner, GP for Higher Education for the Respondent No.1, Smt. Padmavathi Fadnavis, learned counsel representing for Sri B. Vijaya Kumar, Standing Counsel for Respondent Nos.2 & 3 and Smt. S.Parinitham Advocate for Respondent No.4, the Court made the following;

ORDER:

"Heard learned counsel for the petitioners and Smt. Padmavathi Fadnavis, learned Counsel representing the respondent-University who seeks time to file counter-affidavit in the matter.

Learned Government Pleader for Higher Education takes notice on behalf of respondent No.1 and Smt. S.Parinitha, takes notice on behalf of respondent No.4.

The Executive Council of the 2nd respondent respondent-Univeristy passed a Resolution dated 03.02.2006 that non teaching staff who were appointed into University service before 01.04.2004, are exempted from passing the Departmental Tests. The petitioners were appointed in the University prior to 01.04.2004 and now they are sought to be reverted on the ground that they have not passed the Departmental Tests.

The learned counsel for the petitioners submits that on the basis of the Executive Council Resolution dated 09.01.2020, the action is sought to be initiated. He further submits that pursuant to the notice dated 01.12.2021 issued by the 3rd respondent, the petitioners submitted their reply/explanation on 06.12.2021. He submits that if the petitioners are reverted at this point of time, they will be subjected to serious prejudice.

Considering the submissions made, and as the explanation/reply has already been submitted, the respondent-University is directed not to take any coercive action for a period of six (6) weeks.

List this matter after three (3) weeks for filing counter-affidavit."

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, Secretariat Buidlings, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Vice Chancellor, Sri Venkateswara University, Tirupati, Chittoor District.
3. The Registrar, Sri Venkateswara University, Tirupati, Chittoor District.

4. The Secretary, Andhra Pradesh State Council for Higher Education, (A Statutory Body of the Govt. of A.P.), I & II Floors, C-Block, Sree Mahendra Enclave, Tadepally-522 501, Guntur District. **(1 to 4 by RPAD)**
5. One CC to Sri. CH Venkat Raman, Advocate [OPUC]
6. One CC to Smt. S. Parinitha, Standing Counsel [OPUC]
7. One CC to Sri B. Vijaya Kumar, Standing Counsel [OPUC]
8. Two CCs to GP for Higher Education, High Court of Andhra Pradesh. [OUT]
9. One spare copy.

MSB

HIGH COURT

NJS,J

DATED:17/12/2021

ORDER

**LIST THIS MATTER AFTER THREE (3) WEEKS
FOR FILING COUNTER- AFFIDAVIT**

WP.No.28946 of 2021

INTERIM DIRECTION

