

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



FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
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 the Order of High Court dated 17.12.2021 made herein and upon hearing the arguments of Sri CH Venkat Raman, Advocate for the Petitioner, GP for Higher Education for the Respondent No.1, 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:

“Respondents 2 and 3 have filed counter affidavit along with the application for vacation of the interim order.

Respondent No.4 has also filed the counter affidavit

Learned counsel for the petitioner prays and is granted two weeks time to file reply affidavit.

List in the week commencing 04.04.2022 for hearing with the consent of both parties.

Interim order granted earlier is extended till the next date of listing.”

**Sd/-B.NARSING RAO
DEPUTY REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. One CC to Sri. CH Venkat Raman, Advocate [OPUC]
2. One CC to Smt. S. Parinitha, Standing Counsel [OPUC]
3. One CC to Sri B. Vijaya Kumar, Standing Counsel [OPUC]
4. Two CCs to GP for Higher Education, High Court of Andhra Pradesh. [OUT]
5. One spare copy.

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HIGH COURT

RNT,J

DATED:11/03/2022

ORDER

**LIST IN THE WEEK COMMENCING 04.04.2022
FOR HEARING WITH THE CONSENT OF BOTH PARTIES**

WP.No.28946 of 2021

INTERIM ORDER EARLIER IS EXTENDED

