

APHC010399122025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the eleventh day of December two thousand and twenty five

Present

The Honourable Ms. Justice B.S.Bhanumathi

Writ Petition No.20163 of 2025

Between:

K. Anjaiah

...Petitioner

and

1. The State of Andhra Pradesh rep. by its Ex-officio Special Chief Secretary to Government
2. The State of Andhra Pradesh rep. by its Special Chief Secretary to Government
3. The Director of Agricultural Marketing, Chuttugunta, Guntur
4. The Collector & District Magistrate, Prakasam District
5. The Assistant Director, Agricultural Market Committee, Ongole
6. The Yerragondapalem Agricultural Market Committee
7. Chekuri Subba Rao S/o Yogaiah

...Respondents

Counsel for the petitioner:

1. G.Venkateswarlu

Counsel for the respondents:

1. G.P for Agriculture

2. G.P for Social Welfare

3. Gangisetty Rajeswara Rao, Standing Counsel for Agricultural
Marketing Committees

4. Ramesh Babu Talluri

The Court made the following:

APHC010381782025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the eleventh day of December two thousand and twenty five

Present**The Honourable Ms. Justice B. S. Bhanumathi****Writ Petition No.19305 of 2025****Between:**

Are Remanaiah

...Petitioner

and

1. The State of Andhra Pradesh rep. by its Ex-officio Special Chief Secretary to Government
2. The State of Andhra Pradesh rep. by its Special Chief Secretary to Government
3. The Director of Agricultural Marketing, Chuttugunta, Guntur
4. The Collector & District Magistrate, Prakasam District
5. Chekuri Subba Rao S/o Yogaiah

....Respondents**Counsel for the petitioner:**

1. Venkata Reddy Chittem

Counsel for the respondents:

1. G.P for Agriculture

2.G.P for Social Welfare

3.Ramesh Babu Talluri

The Court made the following:

APHC010455872025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the eleventh day of December two thousand and twenty five

Present**The Honourable Ms. Justice B. S. Bhanumathi****Writ Petition No.23109 of 2025****Between:**

Kuttuboina Madhava S/o K.ChinnaMalyadri

...Petitioner

and

1. The State of Andhra Pradesh rep. by its Ex-officio Special Chief Secretary to Government
2. The Director of Agricultural Marketing, Tadepalli, Guntur
3. The Collector & District Magistrate, S.P.S.R.Nellore District
4. Udayagiri Agricultural Market Committee, Udayagiri
5. Pallugulla Vijayalakshmi W/o Pulla Reddy, Nellore District

....Respondents**Counsel for the petitioner:**

- 1.K. Raghu Veer

Counsel for the respondents:

- 1.G.P for Agriculture
- 2.Gangisetty RajeswaraRao, Standing Counsel for Agricultural Marketing Committees

3.Turaga Sai Surya

The Court made the following:

APHC010497352025

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI
(Special Original Jurisdiction)

[3311]

Thursday, the eleventh day of December two thousand and twenty five

Present**The Honourable Ms. Justice B. S. Bhanumathi****Writ Petition No.25405 of 2025****Between:**

Mr. Katti Chemchuramaiah S/o Ramaiah

...Petitioner

And

1. The State of Andhra Pradesh rep. by its Principal Secretary to Government, (Agricultural & Marketing)
2. The Director of Agricultural Marketing, Tadepalli, Guntur
3. The Collector & District Magistrate, S.P.S.R.Nellore District
4. Kovur Agricultural Market Committee, Kovur

...Respondents**Counsel for the petitioner:**

1. Polothi Rudra Prasad Yadav

Counsel for the respondents:

1. G.P. for Agriculture
2. Gangisetty Rajeswara Rao, Standing Counsel for Agricultural Marketing Committees

The Court made the following:

APHC010518802025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the eleventh day of December two thousand and twenty five

Present**The Honourable Ms. Justice B. S. Bhanumathi****Writ Petition No.26669 of 2025****Between:**

Y. Surendra

...Petitioner

and

1. The State of Andhra Pradesh rep. by its Principal Secretary to Government, (Agricultural & Marketing)
2. The Director of Agricultural Marketing, Tadepalli, Guntur
3. The Collector & District Magistrate, Tirupathi District
4. B.N.Kandriga Agricultural Market Committee, Tirupathi District
5. Smt. M.Jyothi Sudhakar Naidu, Tirupathi District.

...Respondents**Counsel for the petitioner:**

1. Harinath Reddy Soma

Counsel for the respondents:

1. R. Chandra Reddy

2.G.P. for Revenue

3.G.P. for Agriculture

4.Gangisetty Rajeswara Rao, Standing Counsel for Agricultural
Marketing Committees

The Court made the following:

APHC010601572025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the eleventh day of December two thousand and twenty five

Present**The Honourable Ms. Justice B. S. Bhanumathi****Writ Petition No.31490 of 2025****Between:**

Y. Surendra

...Petitioner

and

1. The State of Andhra Pradesh rep. by its Ex-officio Special Chief Secretary to Government, (Agricultural & Marketing)
2. The State of Andhra Pradesh, rep. by its Principal Secretary, General Administration Department, Guntur
3. The State of Andhra Pradesh, rep. by its Principal Secretary, Agriculture & Market, Secretariat, Guntur
4. The Director of Agricultural Marketing, Tadepalli, Guntur
5. The Collector & District Magistrate, Tirupathi District
6. B.N. Kandriga Agricultural Market Committee, Tirupathi District
7. Smt. M.Jyothi Sudhakar Naidu, Tirupathi District.

....Respondents**Counsel for the petitioner:**

Harinath Reddy Soma

Counsel for the respondents:

1. G.P. for Revenue
2. G.P. for Agriculture
3. Gangisetty Rajeswara Rao, Standing Counsel for Agricultural Marketing Committees

The Court made the following:

COMMON ORDER:

(i) **W.P.No.20163 of 2025** is filed under Article 226 of the Constitution of India to declare the G.O.Rt.No.593, dated 10.07.2025, issued by the 1st respondent, appointing the 7th respondent, Chekuri Subba Rao, who belongs to the O.C. category, as Chairman of the Agricultural Market Committee, (for short, 'A.M.C.'), Yerragondapalem, Prakasam District, by relaxing the norms prescribed in G.O.Ms.No.77, dated 27.09.2019, for a period of one (1) year, as illegal and consequently set aside G.O.Rt.No.593, dated 10.07.2025, to the extent of appointment of the 7th respondent and further direct the respondents to forthwith implement the rule of reservation (in short, 'R.O.R') finalized by the 4th respondent vide proceedings in Rc.No.68/B/2024, dated 08.07.2025, and appoint a suitable candidate belonging to the scheduled tribe category.

(ii) **W.P.No.19305 of 2025** is filed under Article 226 of the Constitution of India seeking the same relief as in W.P.No.20163 of 2025, with the only difference that the 5th respondent herein is the 7th respondent in W.P.No.20163 of 2025.

(iii) **W.P.No.23109 of 2025** is filed under Article 226 of the Constitution of India to declare the proceeding of the 3rd respondent in Rc.No.168/SMA/2024, dated 14.08.2025, changing the R.O.R. for the post of Chairman, A.M.C., Udayagiri from B.C. (General) to O.C. (Woman), as illegal and further declare that the post of Chairman, A.M.C., Udayagiri, be reserved for B.C. (General).

(iv) **W.P.No.25405 of 2025** is filed under Article 226 of the Constitution of India to declare the proceeding of the 3rd respondent in

Rc.No.168/SMA/2024, dated 14.08.2025, changing the R.O.R. for the post of Chairman, A.M.C., Kovur, from S.T. (General) to O.C. (General), as illegal and further direct that the post of Chairman, A.M.C., Kovur be reserved for S.T. (General).

(v) **W.P.No.26669 of 2025** is filed under Article 226 of the Constitution of India to declare the action of the respondents in finalizing the list of candidates for constitution of the A.M.C., B.N.Kandriga, without following the R.O.R. notified by order in AGCO5-AMC/23/2024-JMA, dt.Nil-01-2025 as illegal and consequently set aside the selection of Smt. M.Jyothi Sudhakar Naidu (female-O.C.) / 5th respondent as Chairman, A.M.C., B.N.Kandriga.

(vi) **W.P.No.31490 of 2025** is filed under Article 226 of the Constitution of India to declare the G.O.Rt.No.855, Agriculture and Cooperation (MKTG-II) Department, dt.29-09-2025, passed by the 1st respondent appointing the 7th respondent / Smt. M. Jyoti Sudhakar Naidu, as Chairman, A.M.C., B.N. Kandriga, Tirupathi District, without following the R.O.R. notified by order in AGCO5-AMC/23/2024-JMA, dt.Nil-01-2025 as illegal and consequently set aside the G.O.Rt.No.855, dt.29-09-2025.

2. The State of Andhra Pradesh enacted the Andhra Pradesh (50 Percent Reservations to BCs, SCs, STs and Minorities in all the Nominated Posts) Act, 2019 (hereinafter referred to as the 'Act, 2019'). The State of A.P made the 'Andhra Pradesh (50 Percent Reservations to BCs, SCs, STs and Minorities in all the Nominated Posts) Rules, 2019 (hereinafter referred to as the 'Rules, 2019') vide G.O.Ms.No.77, dated 27.09.2019, mandating 50% reservation to B.Cs., S.Cs., S.Ts. and

minorities in all nominated posts, including in A.M.Cs. in the State of A.P.

3. The Government of A.P., Agriculture & Cooperation (Marketing-I) Department, issued a Memo No.AGC051-MKTG/283/2024-Mktg.I, dated 06.12.2024, treating the 'district' as a unit for implementation of R.O.R. for the posts of Chairman of A.M.Cs. as per the Rules, 2019. The government of A.P., Agriculture & Cooperation (Marketing-I) Department, issued the Urgent Memo No.AGC01-MKTG/117-2025-Mktg.1, dt.18.09.2025, requesting the Director of Agricultural Marketing to furnish proposals for the constitution of certain A.M.Cs. to the Government for taking further action in the matter. Basing on the memo, the Director of Agricultural Marketing issued the Memo No.AGC05-11/106/2024, dated 19.09.2025, to all the Secretaries of A.M.Cs. and D.A.T. & M.Os. to furnish proposals for constitution of certain A.M.Cs. as per the instructions issued in the memo, dated 18.09.2025. Accordingly, separate proceedings were issued by the Collector of each district. Several writ petitions were filed alleging that appointments of Chairman of A.M.Cs. were either made or proposed to be made against the roster fixed as per the R.O.R. for each A.M.C., in the proceedings of the District Collector.

4. **W.P.No.20163 of 2025** and **W.P.No.19305 of 2025** are filed in respect of A.M.C. Yerragondapalem, Prakasam District. The case of the petitioners, in brief, is as follows:

a. The petitioner in W.P.No.20163 of 2025 belongs to the S.T. community, and the petitioner in W.P.No.19305 of 2025 belongs to S.C. community and are residents of Yerragondapalem Mandal.

b. The Collector, Prakasam district reserved Chairmanship of A.M.Cs. in Prakasam District, vide proceeding in Rc.No.68/B/2024, dated 08.07.2025, as per which Chairman of the A.M.C., Yerragondapalem, is reserved for the S.T. (General) category. In clear violation of the R.O.R., the state of A.P. issued G.O.Rt.No.593, dated 10.07.2025, appointing Chekuri Subba Rao belonging to O.C. as Chairman of the A.M.C., Yerragondapalem for a period of one year by temporarily relaxing the norms prescribed under the Rules, 2019. The petitioner has referred to the proceedings of appointment of Chairperson, A.M.C., Darsi, which is not the subject A.M.C. covered by the relief in the said writ petition, nor were the concerned persons made as respondents. Hence, the details are not mentioned.

5. **W.P.No.23109 of 2025** is filed in respect of A.M.C. Udayagiri, S.P.S.R. Nellore District. The case of the petitioner, in brief, is as follows:

a. The petitioner is a permanent resident of Jaladanki village and mandal, S.P.S.R. Nellore district and belongs to the backward class community, i.e., Yadava, which is Group - D of B.C. community. He is an active politician and has been elected as M.P.T.C. of Jaladanki Mandal. The petitioner is one of the aspirants for the post of Chairman, A.M.C., Udayagiri.

b. The Collector, S.P.S.R. Nellore district, issued proceeding in Rc.No.168/SMA/2024, dated 14.08.2025, fixing the R.O.R., for the posts of the Chairman of A.M.Cs.in S.P.S.R Nellore district. The post of Chairman, A.M.C., Udayagiri, is reserved for B.C. (General) category. On the same day, in the evening hours, the Collector issued another proceeding in Rc.No.168/SMA/2024, dated 14.08.2025, changing the

R.O.R., for the post of Chairman of A.M.C., Udayagiri from B.C. (General) to O.C. (Woman).

6. **W.P.No.25405 of 2025** is filed in respect of A.M.C., Kovur, S.P.S.R. Nellore district. The case of the petitioner, in brief, is as follows:

a. The petitioner is a permanent resident of Utukuru village, Vidavalur Mandal, S.P.S.R. Nellore district. He belongs to S.T. community, i.e., Yanadis. He is also an active participant in politics and has been elected as leader for S.T. community of Vidavalur mandal. The name of the petitioner has been proposed for the post of Chairman, A.M.C., Kovur. The Collector, S.P.S.R. Nellore district issued two proceedings on the same day as stated above in W.P.No.23109 of 2025, changing the R.O.R. for the post of Chairman of A.M.C., Kovur from S.T. (General) to O.C. (General).

7. **W.P.No.26669 of 2025** and **W.P.No.31490 of 2025** filed in respect of A.M.C., B.N. Kandriga, Tirupati district are filed by the same petitioner. W.P.No.26669 of 2025 was filed on 24.09.2025 based on the instructions of the Secretary to C.M., to the Special Chief Secretary to the Government, Agriculture, Cooperation and Marketing Department, in C.M.P.No.C6017/SecytoCM(AVR)/2025, dated 17.09.2025, informing to constitute A.M.Cs. of B.N. Kandriga with a list of the proposed candidates for the chairman of those A.M.Cs., containing the name of Smt. M. Jyoti Sudhakar Naidu (O.C.-Woman). W.P.No.31490 of 2025 was filed on 12.11.2025 after the appointment of Smt. M. Jyoti Sudhakar Naidu, vide G.O.Rt.No.855, Agriculture & Cooperation (MKTG-II) Department, dated 29.09.2025, in respect of A.M.C., B.N.Kandriga. The case of the petitioner in these writ petitions, briefly stated, is as follows:

a. The petitioner is an agriculturist, having agricultural land to an extent of Ac.0.44 cents in Sy.No.124-4B in Kovanur village, K.V.B. Puram mandal, Tirupathi district. The petitioner belongs to S.T. community and is a permanent resident of Kovanur village.

b. The Collector, Tirupathi district, issued a Memo No.AGC015-AMC/23/2024-JMA, dt.Nil-01-2025 fixing the R.O.R. for the posts of the Chairman of A.M.Cs.in Tirupathi district. The post of Chairman A.M.C., B.N. Kandriga is reserved for S.T.(General).

c. The selection of the candidates is pre-determined and contrary to the R.O.R. notified. Smt. M.Jyothi Sudhakar Naidu, belonging to forward community (O.C.), as against S.T.(General), was proposed for the said post, contrary to the proceeding fixing the R.O.R.

8. The 1st respondent filed a counter in W.P.No.20163 of 2025, 19305 of 2025, 23109 of 2025, 25405 of 2025 and 26669 of 2025 contending separately and commonly as follows:

Separate case averred is:

a(i). Even assuming that the petitioner in W.P.No.20163 of 2025 belongs to S.T. category, he did not file nomination for the post of Chairperson of A.M.C., Yerragondapalem, Prakasam district. So, he cannot seek writ of Mandamus as no personal or enforceable right accrues to him.

a(ii) The petitioner in W.P.No.19305 of 2025 admittedly belongs to the S.C community and not to the S.T. community for which the post of Chairperson of the A.M.C., Yerragondapalem, was allegedly reserved as per the R.O.R. fixed. In view of the same, the petitioner has no *locus standi* to question the appointment made to a post reserved for the S.T.

category. The writ petition, therefore, is liable to be dismissed *in limine* on this ground alone.

Common case averred is:

b. Section 3 of the Act, 2019 reads as follows:

“3(1).There shall be 50% Reservation to BCs, SCs, STs and Minorities in all the nominated posts in all the Corporations / Agencies / Bodies / Boards / Societies / Committees functioning under all the administrative departments of the State of Andhra Pradesh.”

c. Pursuant to Section 8 of the Act, 2019, the Backward Classes Welfare (F) Department, vide G.O.Ms.No.77, dated 27.09.2019, notified the Rules, 2019. As per Section 4 and Rule 5 of the said Act and Rules, the distribution of 50% reservation among the above categories is as follows:

Category	Reservation (%)
BCs & Minorities	29%
SCs	15%
STs	6%
Total	50%

Rule 3 of the Rules, 2019 reads as follows:

“3. Unit of reservation for the offices of chairpersons:

All the Corporations / Agencies / Bodies / Boards / Societies / Committees functioning under the administrative control of all the departments of the State of Andhra Pradesh are treated as a Unit for the purpose of reservation in the nominated posts of Chairpersons.

Every administrative Department shall identify and enumerate the number of Chairpersons in all the said Corporations / Agencies / Bodies / Boards / Societies / Committees functioning under its administrative control for the purpose of reservation.”

As per Rule 3 of the above Rules, the State of A.P. is to be treated as a single unit. Accordingly, each administrative department is required to identify and enumerate the total number of such posts of Chairpersons under its control.

d. Pursuant to the Rules, 2019, the department of Agricultural and Cooperation (Marketing) issued the Govt. Memo No.AGC01-MKTG/283/2024-Mktg.I, dated 06.12.2024, wherein instructions were given for the constitution of A.M.Cs., across the State. It was stipulated therein that, for the purpose of implementing the R.O.R. for the nomination of Chairpersons to the A.M.Cs., a ‘district’ shall be treated as a unit and that the District Collector shall fix the R.O.R. for the posts of Chairperson for every two year term, ensuring adequate representation for the reserved categories of S.Cs., S.Ts., B.Cs., minorities and women.

e. The District Collectors of various districts in the State of A.P. acted upon the memo, dated 06.12.2024. During the course of its implementation, several discrepancies and inconsistencies were observed. It was further noticed that it would not be beneficial to the minorities as their adequate representation was not proportionately ensured, and that the memo is in direct contravention of Rule 3 of the Rules, 2019 which stipulates that the ‘state’ shall be treated as a unit for the purpose of R.O.R. for the posts of these Chairpersons.

f. As per Section 3(i) of the Act, 2019, 50% reservation must be ensured in aggregate posts of Chairpersons of the A.M.Cs., throughout the State. It implies that the 'state' as a whole shall be treated as a unit for this purpose. Therefore, the memo, dated 10.10.2025, stipulating the State of A.P. as a unit was issued in complete consonance with Section 3 and Rule 3 of the Act and Rules, 2019 respectively. There are a total of 218 A.M.Cs. across the State of A.P. In view of the above, the impugned G.O.Rt.No.593, dated 10.07.2025 issued by the State of A.P.; latest proceedings Rc.No.168/SMA/2024, dated 14.08.2025 issued by the District Collector, S.P.S.R. Nellore District; and, the proceedings in AGC05-AMC/23/2024-JM, dated Nil.01.2025, issued by the District Collector, Tirupati District, are strictly in consonance with the provisions of the Act and the Rules framed thereunder. Therefore, the writ petitions are misconceived and are liable to be dismissed.

9. The 5th respondent filed a counter affidavit in W.P.No.19305 of 2025 with averments, briefly stated, as follows:

a. The petitioner has no *locus standi* to maintain the present writ petition as he has no personal grievance or direct interest in the matter.

b. The writ petition is not maintainable as the A.M.C., Yerragondapalem is not made a party to the petition and also because the department of General Administration, which is designated as the nodal department under Rule 7 of the Rules, 2019 for monitoring the implementation of reservations, has not been made a party to the present proceedings.

c. The appointment of the 5th respondent has been made by the competent authority in exercise of powers conferred under Section 6(1)

read with Section 5(1), (2) and (3) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, as a temporary arrangement for a period of one year in relaxation of the norms in the Rules, 2019. The relaxation granted in exercise of administrative discretion by the competent authority and the Government has inherent power to relax the rules in appropriate circumstances for effective administration. The petitioner has failed to demonstrate that such relaxation is arbitrary or without application of mind. The petitioner has adequate alternate remedy available under the administrative hierarchy and need not approach this Court. The writ petition is misconceived and is liable to be dismissed.

10. The 7th respondent filed a counter affidavit in W.P.No.20163 of 2025 with averments reiterating the contentions stated in the counters of the 1st respondent in W.P.No.20163 of 2025 and the 5th respondent in W.P.No.19305 of 2025, and further stating briefly as follows:

a. The R.O.R., finalized is merely an administrative arrangement and does not create any legal or constitutional right in favour of any individual or community. The Government has discretionary power to make appointments based on merit, urgency and considering larger public interest. The petition is filed with a *mala fide* intention to stall the functioning of the A.M.C. The petitioner has not approached the Court with clean hands. The writ petition is not maintainable and is liable to be dismissed.

11. Heard the learned counsels for the writ petitioners and Sri D.Yathindra Dev, learned Special Government Pleader, representing the learned Advocate General. The learned Standing Counsel for Agriculture Market Committee and the learned counsel for the 5th / 7th

respondent respectively in W.P.Nos.26669 and 31490 of 2025 adopted the arguments of the learned Special Government Pleader.

12. The respondents now contend that subsequent to filing of the writ petition, the government memo dated 06.12.2024 has been modified, by the memo dated 10.10.2025. Whereas, the petitioners relating to this post contend that because the 7th respondent was appointed as per the then subsisting government memo dated 06.12.2024, the appointment shall not be continued for its violation nor can she be continued under the memo, dated 10.10.2025, as the appointment was made as per the previous memo, dated 06.12.2024.

13. As can be seen from the arguments of both sides, the admitted aspects are that the 'state' must be taken as a unit for the purpose of implementation of the provisions of the Act, 2019 and the rules made thereunder, *vide* the Rules, 2019 and that Collectors of various districts issued proceedings taking 'district' as a unit and fixed the rosters in consonance with the R.O.R. in pursuance of the memo, dated 06.12.2024. In respect of some of the A.M.Cs., appointments were made and in respect of some A.M.Cs., appointments were intended to be made by relaxing the roster already fixed.

14. The learned counsel for the petitioners contended that though 'state' is a unit, unless a fresh roster is prepared as per the R.O.R., no appointment of Chairman of A.M.C. can be made violating the proceedings of roster issued by the Collectors, and therefore, until a fresh list of roster points taking 'state' as a unit is issued by a competent authority, any appointment made or attempted to be made is not in consonance with law. It is further contended that there is no authority to relax the norms prescribed in the Rules, 2019, however, in view of the

subsequent steps taken by issuing the memo, dated 10.10.2025, the validity and legality of future actions would be decided. It is further contended that the action of the 1st respondent in appointing or proposing to appoint the Chairman of A.M.Cs., is illegal, arbitrary and violative of the Act, 2019 the Rules, 2019 and the rights of B.Cs., S.Cs., and S.Ts. guaranteed under Articles 15(4) and 16(4) of the Constitution of India.

15. On the other hand, the learned Special Government Pleader representing the respondents submitted elaborate arguments.

16. He submitted that any person cannot seek appointment for a post to be appointed by nomination and therefore, no petitioner in these writ petitions has locus standi to file writ petition and at the most, a P.I.L. may lie. He further submitted that they have not filed applications for such appointments and that some of them even do not belong to the community for which the post of Chairman of A.M.C. challenged in their respective petitions was shown to be reserved in the proceedings of the concerned District Collector, such as in W.P. No. 19305 of 2025 in respect of A.M.C. Yerragondapalem said to be reserved for S.T., whereas the petitioner is S.C. In this regard he referred to the decisions in **Vinoy Kumar Vs. State of U.P.& Others**¹; and **Ayaubkhan Noorkhan Pathan Vs. State of Maharashtra and others**².

In **Vinoy Kumar Vs. State of U.P.& Others**, (supra) it was held at paragraph No.2 as follows:

¹
(2001) 4 SCC 734

²
(2013) 4 SCC 465

“2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organization which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.”

In **Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and others**, (supra), it was held at paragraph No.23 as follows:

“23. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, cannot claim to have any *locus standi* to raise any grievance whatsoever. However, in exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the court, then the court may examine the issue and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed *suo motu*, in such respect.”

17. The writ petitions vide W.P. No. 20163 of 2025; W.P. No. 23109 of 2025; W.P. No. 25405 of 2025; W.Ps. No. 26669 and 31490 of 2025 were filed by persons belonging to the category in respect of which the corresponding A.M.Cs. were shown to be reserved as per the proceedings of the concerned District Collectors. It is only the petitioner in W.P. No. 19305 of 2025, who belongs to a community different from the community of reservation declared in the proceedings of the District Collector. However, W.P. No. 20163 of 2025 has been already filed in respect of the very same A.M.C. by a person belonging to the same community of the reserved post. Therefore, by and large, all the

petitioners challenging the proposed appointments, or the appointment made, to different A.M.Cs. have interest in the subject matter as they are likely to be affected by losing opportunity to be appointed due to appointment of persons belonging to a community different from the one declared in the proceedings of the District Collectors. The exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person is permissible. Hence, the objection raised on the ground of lack of locus standi is unsustainable.

18. He further submitted that implementation of R.O.R. is a matter of policy of the government and decisions can be taken from time to time for implementation of the policy and the government does not become *functus officio* the moment certain administrative instructions are issued and that such instructions are amenable to any modification to effectively enforce such policy. He referred to the decision in **Orissa Administrative Tribunal Bar Association Vs. Union of India and others**³, wherein it was held as follows:

“110. Turning to the present case, the appellants' argument that the Union Government was rendered *functus officio* after establishing OAT does not stand scrutiny. The decision to establish OAT was administrative and based on policy considerations. If the doctrine of *functus officio* were to be applied to the sphere of administrative decision-making by the State, its executive power would be crippled. The State would find itself unable to change or reverse any policy or policy-based decision and its functioning would grind to a halt. All policies would attain finality and any change would be close to impossible to effectuate.

³ (2023) 18 SCC 1

111. This would impact not only major policy decisions but also minor ones. For example, a minor policy decision such as a bus route would not be amenable to any modification once it was notified. Once determined, the bus route would stay the same regardless of the demand for, say, an additional stop at a popular destination. Major policy decisions such as those concerning subsidies, corporate governance, housing, education and social welfare would be frozen if the doctrine of *functus officio* were to be applied to administrative decisions. This is not conceivable because it would defeat the purpose of having a Government and the foundation of governance. By their very nature, policies are subject to change depending on the circumstances prevailing in society at any given time. The doctrine of *functus officio* cannot ordinarily be applied in cases where the Government is formulating and implementing a policy.”

There is no dispute about the above legal proposition.

19. He further submitted that implementation of R.O.R., being a matter of policy of the government, is normally not within the domain of any Court to review. He referred to the decisions in **N.T.R. University of Health Sciences, Vijayawada Vs. G. Babu Rajendra Prasad & Another⁴**; **State of Uttar Pradesh & others Vs. Vijay Bahadur Singh & Others⁵**; and **State of Punjab & Others Vs. Ram Lubhaya Bagga & Others⁶**.

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(2003) 5 SCC 350

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(1982) 2 SCC 365

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(1998) 4 SCC 117

In **N.T.R. University of Health Sciences, Vijayawada Vs. G. Babu Rajendra Prasad & another**, (supra) it was held as follows:

“**13.** Articles 15 and 16 of the Constitution of India provide for enabling provisions. By reason thereof the State would be entitled to either adopt a policy decision or make laws providing for reservations. How and in what manner the reservations should be made is a matter of policy decision of the State. Such a policy decision normally would not be open to challenge subject to its passing the test of reasonableness as also the requirements of the Presidential Order made in terms of Article 371-D of the Constitution of India.

14. It is not in dispute that limited seats are available for admission in the super-specialty courses. It may be true that normally the reservation has to be made for the entire State but in terms of Article 371-D of the Constitution of India reservation has to be made region wise. The seats have been reserved indisputably on total available seats in each discipline and those who come within the zone of consideration are considered for admission from amongst the reserved category candidates. Once it is found that reservation has been made for the reserved-category candidates on the total number of seats available in each course, the High Court must be held to have committed a manifest error in issuing the impugned direction.”

In **State of Uttar Pradesh & others Vs. Vijay Bahadur Singh & Others**, (supra) it was held as follows:

“3. ... It cannot be disputed that the Government has the right to change its policy from time to time, according to the demands of the time and situation and in the public interest....”

In **State of Punjab & Others Vs. Ram Lubhaya Bagga & Others**, (supra) it was held as follows:

“25.... So far as questioning the validity of governmental policy is concerned in our view it is not normally within the domain of any court, to weigh the pros and cons of the policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning, except where it is arbitrary or violative of any constitutional, statutory or any other provision of law. When Government forms its policy, it is based on a number of circumstances on facts, law including constraints based on its resources. It is also based on expert opinion. It would be dangerous if court is asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out on affidavits. The court would dissuade itself from entering into this realm which belongs to the executive. It is within this matrix that it is to be seen whether the new policy violates Article 21 when it restricts reimbursement on account of its financial constraints.”

20. It is not normally within the domain of any Court, to weigh the pros and cons of the policy, but it is not an absolute bar. Since the implementation of the policy in these writ petitions is in respect of statutory obligation and not a mere administrative policy in discharge of welfare function, and the grounds raised are based on the statutory right under the Act, 2019 and the rules made thereunder and not mere implementation of the incidental proceedings, such as, the memo dated 06.12.2024 or the consequent proceedings issued by the District Collectors, it cannot be said that Court cannot entertain the present petitions.

21. It was also submitted by him that the internal instructions are issued through memo etc., for better administration cannot be claimed as a right for implementation as they have no statutory force and therefore, writ of mandamus cannot be issued. In this regard, he placed reliance on the decisions in **J.R. Raghupathy and others Vs. State of A.P. and others**⁷.

In **J.R.Raghupathy and others Vs. State of A.P. and others**, (supra) it was held as follows:

“18. Broadly speaking, the contention on behalf of the State Government is that relief under Article 226 of the Constitution is not available to enforce administrative rules, regulations or instructions which have no statutory force, in the absence of exceptional circumstances. It is well settled that mandamus does not lie to enforce departmental manuals or instructions not having any

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(1988) 4 Supreme Court Cases 364

statutory force, which do not give rise to any legal right in favour of the petitioner. The law on the subject is succinctly stated in Durga Das Basu's *Administrative Law*, 2nd Edn., at p. 144:

“Administrative instructions, rules or manuals which have no statutory force, are not enforceable in a court of law. Though for breach of such instructions, the public servant may be held liable by the State and disciplinary action may be taken against him, a member of the public who is aggrieved by the breach of such instructions cannot seek any remedy in the courts. The reason is, that not having the force of law, they cannot confer any *legal* right upon anybody, and cannot, therefore, be enforced even by writs under Article 226. ...”

22. As is already noted, these writ petitions are filed not just for implementation of the instructions in the memo, but for the violation, made or likely to be made, of the statutory right under the Act, 2019 and the Rules made thereunder.

23. He further submitted that appointment to the posts of Chairman of A.M.C. is by nomination and is governed by doctrine of pleasure and is not amenable to writ jurisdiction since it cannot be treated on par with appointment in ordinary sense as the person appointed holds the post at the pleasure of the appointing authority and can be similarly removed. In this regard he placed reliance on **Cheviti Venkanna Yadav Vs. State of Telangana & Others**⁸; **S.K. Afzaluddin Vs. The State of Andhra**

⁸
(2017) 1 SCC 283

Pradesh & Another⁹; and Om Narain Agarwal Vs. Nagar Palika, Shahjahanpur & Others¹⁰.

In **Cheviti Venkanna Yadav Vs. State of Telangana & Others**, (supra) it was held as follows:

“**34.** The word “appointment” has been substituted by “nomination”. It is an appointment by nomination. It is from certain categories for the purpose of representation. It is not appointment as the word ordinarily connotes. The legislature, in its wisdom, has substituted the word “appointment” and made it “nomination with retrospective effect”. To enable it to curtail or reduce the term, the procedure for removal remains intact. A nominee can go from office by efflux of time when the period is over. That is different than when he is removed. A nominated member, *inpraesenti*, can also be removed by adopting the procedure during the period. Otherwise, he shall continue till his term is over; and the term is one year. The plea of vested right is like building a castle in Spain. It has no legs to stand upon and, therefore, we unhesitatingly repel the said submission.”

In **S.K. Afzaluddin Vs. The State of Andhra Pradesh & Another**,(supra) it was held as follows:

“That apart, the appointments of this nature are governed by Doctrine of Pleasure and Pleasure Doctrine

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1995 SCC OnLine AP 102

¹⁰
(1993) 2 Supreme Court Cases 242

knows no regulations or restrictions so as to import the theory of discrimination.”

In **Om Narain Agarwal Vs. Nagar Palika, Shahjahanpur & Others**, (supra), it was held as follows:

“12. In our view, such provision neither offends any Article of the Constitution nor the same is against any public policy or democratic norms enshrined in the Constitution. There is also no question of any violation of principles of natural justice in not affording any opportunity to the nominated members before their removal nor the removal under the pleasure doctrine contained in the fourth proviso to Section 9 of the Act puts any stigma on the performance or character of the nominated members. It is done purely on political considerations. ...

13. ...It is well established that the right of equality enshrined under Article 14 of the Constitution applies to equals and not to unequals. The nominated members of the Board fall in a different class and cannot claim equality with the elected members. ...”

Though appointment by nomination is based on the theory of doctrine of pleasure, in the present cases, the nominated posts are governed by the R.O.R. and the challenge is that the R.O.R. has not been followed as per the statutory requirement as declared to be followed. So long as the appointment is within the scope of implementation of R.O.R., the choice of the person nominated is governed by the doctrine of pleasure.

Therefore, the respondents cannot take the shelter of the doctrine of pleasure to resist these writ petitions.

24. He further submitted that the power of the government to implement a policy is not impeded by claim of legitimate expectation by any petitioner. He referred to the decision in **Sivanandan C.T. Vs. High Court of Kerala**¹¹ wherein it is held as follows:

“33. While dealing with the doctrine of legitimate expectation, another important aspect that the courts have had to grapple with is determining the “legitimacy” of the expectation. The court can infer the legitimacy of an expectation only if it is founded on the sanction of law.
...

38. The doctrine of legitimate expectation does not impede or hinder the power of the public authorities to lay down a policy or withdraw it. The public authority has the discretion to exercise the full range of choices available within its executive power. The public authority often has to take into consideration diverse factors, concerns, and interests before arriving at a particular policy decision. The courts are generally cautious in interfering with a bona fide decision of public authorities which denies a legitimate expectation provided such a decision is taken in the larger public interest. Thus, public interest serves as a limitation on the application of the doctrine of legitimate expectation. Courts have to determine whether the public interest is compelling and sufficient to

¹¹ (2024) 3 SCC 799

outweigh the legitimate expectation of the claimant. While performing a balancing exercise, courts have to often grapple with the issues of burden and standard of proof required to dislodge the claim of legitimate expectation.

40. The principle of fairness in action requires that public authorities be held accountable for their representations, since the State has a profound impact on the lives of citizens. Good administration requires public authorities to act in a predicable manner and honour the promises made or practices established unless there is a good reason not to do so. In ***Nadarajah [R.(Nadarajah) Vs. Secy. of State for the Home Deptt.***, 2005 EWCA Civ 1363], Laws, L.J. held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that State actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.”

The writ petitions are not just based on the doctrine of legitimate expectation, but based on proper implementation of the R.O.R. which is

a statutory mandate. Therefore, these writ petitions cannot be countered by the arguments noted above.

25. He submitted that the only obligation of the State is to appoint the Chairman of the A.M.Cs. strictly following the R.O.R. considering the 'State' as a unit and it is sufficient to identify and enumerate the number of chairpersons in all the committees as per Rule 3 and it is sufficient to maintain the record of the appointments made to comply Rule 8 of the Rules, 2019. Therefore, he submitted that fixing roster is different from maintenance of record under Rule 8 of the Rules, 2019 and that the State has no obligation to release advance list of roster points. He further submitted that since the memo, dated 06.12.2024 issued treating a 'district' as a unit has been modified by another memo, dated 10.10.2025 treating a 'state' as a unit to bring the administrative instructions in consonance with the Act, 2019 and the Rules, 2019, it shall be regarded that the memo, dated 06.12.2024 has been superseded by the later memo dated 10.10.2025. In this regard, he referred to the decision in the case of **Jaiveer Singh & Others Vs. State of Uttarakhand & Others**¹², wherein it was held as follows:

“49. It can thus be seen that it is a trite law that the Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point, it can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. It is a settled proposition of law that an authority cannot issue orders / office memorandum / executive instructions in

¹²
2023 SCC OnLine SC 1584

contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it.”

The challenge in the present writ petitions is not the authority of the government to issue instructions in the form of memo or further instructions for better administration in consonance with law, but, as already noted, implementation of the statutory mandate regarding the R.O.R. As on the date of filing of the writ petitions, the memo, dated 10.10.2025, had not been issued. After realising the inconsistency between the statutory requirement and the memo, dated 06.12.2024, and the anomalies noticed which are indicated in the counter, a subsequent memo, dated 10.10.2025, was issued which is not the subject matter of the challenge in these writ petitions.

26. The learned Special Government Pleader further submitted that the action of the Government cannot be challenged so long as the appointments of Chairman, A.M.Cs. are made strictly adhering to the R.O.R. considering the State of A.P. as a unit. In this regard, he further submitted that the total number of A.M.Cs., in the State of A.P. is 218 and out of them, 63 = 29% to B.Cs., 33=15% to S.Cs. and 13=6% to S.Ts., and the rest of 109=50% to O.Cs. He further submitted that out of 218 posts, 190 were filled and 28 are yet to be filled and that it is only the appointments to the total number of A.M.Cs. to be in accordance with the R.O.R. and if necessary, the vacancies would be filled up to meet the R.O.R. and therefore, it is premature to question the appointments on the ground that it is not meeting the requirements under the Act. However, the oral submissions made on 26.11.2025 based on the written information indicated that out of 109 posts for

O.Cs., 81; out of 63 posts for B.Cs., 70 (in excess of 7); out of 33 posts for S.Cs., 28; and out of 13 posts for S.Ts., 11 had been filled.

27. The learned counsel for the petitioners submitted that memo, dated 10.10.2025 cannot be regarded as superseding the previous memo, dated 06.12.2024, as the latter one clearly stipulated that it is only amending the previous one and that roster shall be prepared before-hand as per the instructions in the memo, dated 06.12.2024. He further submitted that it is required to maintain transparency by releasing the roster in advance before appointments are made. In this respect, the learned counsel for the respondents submitted that in case of appointment by nomination, no person can claim any appointment as a matter of right and therefore, there is no necessity to release the roster before appointment is made. He referred to various decisions in support of his argument.

28. Before proceeding further, it is relevant to mention the Government Memo, dated 06.12.2024, which reads as follows:

“ In the circumstances reported by the Director of Agricultural Marketing, A.P. Guntur in the reference 3rd cited above, after careful examination of the matter, Government hereby issued the following instructions for constitution of Agricultural Marketing Committees in the State:-

“ xxxxxx xxx

1. District as a unit for implementation of ROR for Chairman of Agricultural Marketing Committees as per

G.O.Ms.No.77 BC Welfare (F) Department, dt.27-09-2019.

2. Agricultural Marketing Committee as a unit for implementation of ROR for Member of AMC as per G.O.Ms.No.77 BC Welfare (F) Dept. dt.27-09-2019.

3. The District Collector shall fix up the ROR duly ensuring the adequacy for reserved categories of SC / ST / BC / Minorities / Women in terms of G.O.Ms.No.77, BC Welfare (F) Department, dt.27-09-2019 for Chairman of Agricultural Marketing Committees.

4. The Secretaries of Agricultural Market Committees shall fix up the RoR duly ensuring the adequacy for reserved categories of SC/ST/BC/Minorities/ Women in terms of G.O.Ms.No.77 BC Welfare (F) Dept., Dt.27-09-2019 for Agricultural Market Committee members.

5. The District Collectors shall fix up RoR for constitution of Chairman for every 2 years.

6. Where the number of Agricultural Marketing Committees in a district is (5) or below (5), the representation of SC/ST/BC/Minorities/Women categories shall be considered on rotation basis for a period of 2 years.

7. Further, the District Agri Trade & Marketing Officers concerned is directed to process the file to the District

Collector for finalization of RoR and communicate the finalized RoR to the Agricultural Market Committees.

2. The Director of Agricultural Marketing, A.P., Guntur is requested to furnish necessary proposals to Government for constitution of Agricultural Marketing Committees in the State strictly adherence to follow the above instructions.

3. The Director of Agricultural Marketing, A.P., Guntur shall take further necessary action in the matter accordingly.”

29. The Government Memo, dated 10.10.2025, reads as follows:

“ xxxx xxx

In the circumstances reported in the reference 5th cited above, i.e., in some districts due to higher population of a particular community, AMCs have to be allotted to that community multiple times. As a result, population proportion is not being ensured and equality will be adversely affected and injustice to certain communities.

2. Government after careful examination of the matter, hereby modify the earlier orders issued in the reference 4th cited above, duly considering “State as a Unit” for determining the reservations to Agricultural Market Committees (AMCs) instead of “District as Unit”.

3. The Director of Agricultural Marketing, AP, Guntur shall take further necessary action in the matter accordingly.”

30. A plain reading of both the memos makes it clear that the subsequent memo is only an amendment made to the previous one and it cannot be treated as one superseding the previous one. Therefore, the memo, dated 10.10.2025, modifies the memo, dated 06.12.2024 only to the extent of treating the ‘state’ as a unit instead of ‘district’ as a unit and the rest of the memo remains intact. The Director of Agricultural Market, A.P., Guntur, is still required to furnish necessary proposals to the Government for constitution of A.M.Cs., in the state adhering to the instructions as per the memo, dated 06.12.2024, read with the memo, dated 10.10.2025, with only difference, ‘state’ as a unit instead of the ‘district’ as a unit. When ‘district’ was considered as a unit, the Collectors of the respective districts separately issued proceedings identifying the posts as per the principle of reservation and now, as they are rightly found to be inconsistent with the Act, 2019 and the Rules, 2019, it cannot be followed. However, in view of partial modification of the memo, dated 06.12.2024 by virtue of memo, dated 10.10.2025, a fresh list of allocation of posts of Chairman of A.M.Cs., is required to be proposed to the Government for further action by the Director of Agricultural Marketing, A.P., to take necessary action for the purpose of making appointments. Therefore, this Court is unable to accept the argument of the learned counsel for the respondents that there is no need to prepare the list in advance before appointments are made.

31. In **W.P.No.20163 of 2025 and W.P.No.19305 of 2025**, G.O.Rt.No.593, dated 10.07.2025 was issued appointing Chekuri Subba

Rao belonging to O.C. community as Chairman of the A.M.C., Yerragondapalem, Prakasam District, by temporarily relaxing the norms prescribed under the Rules, 2019, for a period of one year.

In **W.P.No.26669 of 2025**, the respondents proposed the candidature of Smt. M.Jyothi Sudhakar Naidu belonging to forward community (O.C.), as against S.T.(General) to the post of Chairperson, A.M.C., B.N. Kandriga, Tirupathi district in violation of the R.O.R., fixed by then and later, she was appointed through the proceeding vide G.O.Rt.No.855, dated 29.09.2025, which is challenged in **W.P.No.31490 of 2025**.

W.P.No.23109 of 2025 and W.P.No.25405 of 2025 relate to the same proceeding in Rc.No.168/SMA/2024, dated 14.08.2025 which was issued changing the R.O.R., for the post of Chairman of the A.M.C., Udayagiri, S.P.S.R.Nellore district from B.C. (General) to O.C. (Woman) (Challenged in W.P.No.23109 of 2025) and the post of Chairman of the A.M.C., Kovur, S.P.S.R.Nellore district from S.T. (General) to O.C. (General) (challenged in W.P.No.25405 of 2025).

Thus, all these proceedings are contrary to the proceedings fixing the R.O.R. of the concerned District Collectors by then in vogue and cannot sustain being violative of R.O.R.

32. As rightly contended by the learned counsel for the petitioners, any appointment already made by virtue of the then proceeding stipulating roster of posts of Chairman of A.M.Cs. prepared by the District Collectors considering the 'district' as a unit being in violation of law, cannot sustain legality and the same cannot be treated as a valid appointment, even if already made and the same cannot be adjusted

against the R.O.R., to be followed after accepting the proposal as required under Government Memo, dated 06.12.2024, read with the memo, dated 10.10.2025.

33. Insofar as two proceedings, dated 14.08.2025, issued by the Collector, Nellore district, one in the morning and the other later, without assigning any reason, no answer has been given by the concerned Collector, but the learned Special Counsel submitted that just because the later proceeding is invalid for any reason, the first proceeding does not become valid and cannot be implemented as it is inconsistent with the Act, 2019 which requires the 'state' as a unit. It is unfortunate that an authority at the district level has taken such hasty step and remained silent. In view of the foregoing discussion, any action taken in pursuance of either of the proceedings, dated 14.08.2025, is invalid.

34. Accordingly, the writ petitions are allowed setting aside the G.O.Rt.No.593, dated 10.07.2025; G.O.Rt.No.855, dated 29.09.2025, and; the second proceeding in Rc.No.168/SMA/2024, dated 14.08.2025 in which no reservation was provided to the community of S.T., issued by the concerned respondents. It is made clear that the relief granted in these writ petitions is limited to the petitioners herein only.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt.11.12.2025
RAR