

APHC010522582022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 948 OF 2022

Writ Appeal under clause 15 of the Letters Patent by the order dated 13th July, 2022 in W.P.No.21555/2020, this Writ Appeal is filed

Between:

1. TIRUMALA TIRUPATHI DEVASTHANAM, Rep. by its Executive Officer,
Tirupathi, Chittoor District.

...Petitioner

AND

1. B KONDANDA CHETTY, S/o Suseela, aged 38 years, Office Subordinate,
Tirumala Tirupathi Devasthanam, Tirupathi, Chittoor District.

2. T Aswini, D/o Eswar Reddy, Occ. Sharoff, Tirumala Tirupathi
Devasthanams, Tirupathi, Chittoor District.

...Respondents

Counsel for the Petitioner: V DYUMANI,V.DYUMANI (SC for TTD)

Counsel for the Respondents: J SUDHEER

The Court made the following JUDGMENT:

(per Hon'ble Sri Justice D. Ramesh)

Heard Sri Venugopala Rao, learned Senior Counsel representing Smt. V. Dyumani, learned Standing Counsel for T.T.D/Appellant and Sri J. Sudheer, learned Counsel for Respondent No.1/Writ Petitioner.

2. The present Appeal is filed by the Tirumala Tirupati Devasthanams aggrieved by the Order passed by the learned Single Judge in W.P.No.21555 of 2020 dated 13.07.2022.

3. The Respondent No.1/Writ Petitioner has filed the Writ Petition for the following prayer :

".....to call for the records pertaining to ROC.No.E3/4465/2019 dated 01.08.2019 issued by R.1/TTD as bad, illegal, unfair, arbitrary, discriminatory, and unconstitutional and consequently direct the R.1 to appoint the petitioner as junior assistant based on his seniority amongst claimants under medical invalidation grounds basing on availability of such vacancy with all consequential benefits or alternatively at least appoint the petitioner as Shroff/Assistant with effect from 19.03.2014 the date on which the party respondent No 2 who is admittedly junior to the petitioner in the list of claimants under MIG with all consequential benefits by issuance of writ of mandamus and to pass such other order or further orders....."

4. After elaborate consideration, the learned Single Judge has disposed of the Writ Petition with the following direction :

"9. Having regard to the facts and circumstances of the case and upon considering the submissions made by the counsels, this Court is of the considered opinion that while setting aside the impugned order dated 01.08.2019 vide Roc.No.E3/4465/2019, directing the 1st respondent to appoint the petitioner as Junior Assistant based on his seniority amongst claimants under MIG basing on availability of such vacancy with all consequential benefits or alternatively at least appoint the petitioner as Shroff/Assistant on par with the 2nd respondent's appointment i.e., w.e.f. 19.3.2014 and also directed to pay all consequential benefits. The entire exercise shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order."

5. The learned Senior Counsel appearing for the Appellant has contended that the case of the Respondent No.1/Writ Petitioner was not considered in terms of the list prepared on 06.01.2014 only because of specific stand taken by the Respondent No.1/Writ Petitioner that he is eligible and entitled for the appointment as per his qualifications. In fact, the case of the Respondent No.1/Writ Petitioner has deferred only on the ground that there are no available vacancies to fill-up the Junior Assistant as per his qualifications. As per G.O.Ms.No.661/General Admn (Services-G) Dept., dated 23.10.2008, "*the compassionate appointment on Medical Invalidation shall be limited to 5% of Direct Recruitment vacancies in a Unit of appointment*". According to this policy, there are no available Junior Assistant posts for consideration as under 5% quota. The authorities have deferred the case of the petitioner, considered and appointed the Respondent No.2 in this Appeal as Shroff/Assistant. The said appointment was not objected by the Respondent No.1/Writ Petitioner at any point of time.

6. For the reasons mentioned and considering the representation made by the Respondent No.1/Writ Petitioner on 26.02.2016, he was appointed as Office Subordinate on availability of the post vide Order dated 02.05.2016.

7. The learned Single Judge has failed to appreciate the fact that the case of the Petitioner was deferred only for the reasons that he has not accepted and has requested the authorities to consider his case only for the post of Junior Assistant, as there are no available vacancies in terms of G.O.Ms.No.661/General Admn (Services-G) Dept., dated 23.10.2008. The authorities have not considered the case of the petitioner to the post of Junior Assistant.

8. Though subsequently, the Respondent No.1/Writ Petitioner has made a request to consider his case for appointment either as Assistant or Shroff through the representations dated 26.02.2016, 23.11.2016 and finally on 19.02.2019, the same were not feasible to consider after long lapse of time.

9. In fact, the identical issue was considered by the Hon'ble Apex Court in ***The Director of Town Panchayat & Ors. v. M. Jayabal & anr***¹ at Para No.18.

“18. From the position of law as enunciated above, it is evident that the foundation of any claim based on equity has to be devoid of the element of negative discrimination. The respondents in the present case are heirs of the deceased employees who were appointed on compassionate basis upon the death of their fathers. Their appointment, in its own self, was a sufficient relief to serve the actual purpose behind compassionate appointments. The further claim of seeking appointment on a higher post cannot be based on the sole premise that another similarly placed person was granted such benefit. It is a settled proposition of law that an illegality committed by an authority cannot be validated and further perpetuated by its extension to other similarly placed persons. Thus, the contention of respondents that they may be appointed on a higher post in view of similar benefit being granted to another person is wholly misplaced and unsustainable in the eyes of law.”

10. As per the above observations of the Hon'ble Apex Court, the persons whose cases were considered under compassionate grounds, cannot claim as a right or equity on par with the others to consider for the appointment under the compassionate grounds is itself is a sufficient relief. Hence, no question of priority or request for higher post would not be allowed.

11. In the instant case, the Respondent No.1/Writ Petitioner's case was considered under compassionate grounds and he was appointed to the post of Office Subordinate vide Proceedings dated 02.05.2016. Accepting the same, he is working in the said post. If at all to be considered for the higher post, the same should be considered based on the seniority and eligibility and other factors. Hence, requested to set aside the Order of the learned Single Judge in W.P.No.25555 of 2020.

12. Learned counsel for the Respondent No.1/Writ Petitioner has submitted that the respondent authorities have failed to provide any material to show that the Respondent No.1/Writ Petitioner requested the authorities for consideration of his case for appointment under Medical Invalidation Grounds

¹ Civil Appeal Nos.12640 – 12643 of 2025

quota based on his qualifications. There is no proof or material to show that the Respondents have offered any post before 02.05.2016 despite his repeated requests. The Respondents have considered and issued appointment letter appointing the Respondent No.1/Writ Petitioner as Office Subordinate only. Subsequently, the Respondent No.1/Writ Petitioner came to know about the consideration of Respondent No.2 case and appointing her as Shroff/Assistant vide Proceedings dated 19.03.2014. On a query, it came to notice of the Respondent No.1/Writ Petitioner that as per the seniority list maintained by the respondent authorities in terms of the date of appointment of all individuals, the Respondent No.1/Writ Petitioner was placed at Sl.No.2 as well as the Respondent No.2 was placed at Sl.No.3. Admittedly, Respondent No.1/Writ Petitioner as well as the Respondent No.2 is having same qualifications.

13. Under the said circumstances, instead of considering the case of the Respondent No.1/Writ Petitioner for extraneous reasons, the Respondent No.2 appointed as Shroff, and after two years the Respondents have considered the case of the Respondent No.1/Writ Petitioner that to for the post of Office Subordinate. The said action of the Respondents is totally discriminatory and violation of Article 14 of the Constitution of India. Hence, the learned Single Judge has rightly considered the case and has directed the authorities to consider the case of the Respondent No.1/Writ Petitioner on par with the Respondent No.2. There is no illegality in considering the case of the Respondent No.1/Writ Petitioner by the learned Single Judge. Therefore, there is no requirement of interference of the Order of the learned Single Judge.

14. While considering the case, as directed by this Court, the written instructions of the Joint Executive Officer were placed before this Court. On perusal of the said written instructions, it clearly demonstrates that there are certain mistakes/errors occurred while considering the Respondent No.1/Writ Petitioner's case under Medical Invalidation Grounds and they have also

placed a tabular column. According to them, if they want to review the entire appointments, they have to review almost 10 to 11 appointments which were before 2012 to 2016. Ultimately, they have accepted that the Respondent/Writ Petitioner No.1 has to be appointed as Shroff/Assistant under Medical Invalidation Grounds. By reviewing the appointment orders issued to Sri Muni Kesavulu and Smt. P. Sandhya and instead of going to others, admittedly there are certain errors were taken place. Hence, let the authorities may reckon instead of reviewing. Let the authorities may reconsider the case of Respondent No.1/Writ Petitioner under Medical Invalidation Grounds quota for the post of Shroff/Assistant.

15. Though this Court is not inclined to interfere in this type of matters, but considering the errors crept in appointments made on Medical Invalidation Grounds, there shall be a direction to the respondents to reconsider the case of the Respondent No.1/Writ Petitioner to the post of Shroff/Assistant on par with the others those who are below in the list prepared by the authorities on 06.01.2014 and pass the appropriate orders within a period of two (2) months from the date of receipt of copy of this Order.

16. With the above observation and direction, the Writ Appeal is disposed of. No Order as to Costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE D. RAMESH, J

JUSTICE ALAPATI GIRIDHAR, J

Dt: 21.07.2026
JKS

THE HONOURABLE SRI JUSTICE D RAMESH
AND
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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