

APHC010680382025



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

[3457]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 35124/2025

Between:

1.KUMBA SRINIVASULU,, S/O K RAMANAIAH AGE 31 YEARS OCC
VILLAGE HORTICULTURE ASSISTANT R/O ULAVAPADU-1,GRAMA
SACHIVALAYAM ULAVAPADU MANDAL, 523292, SPSR NELLORE
DISTRICT. ANDHRA PRADESH.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY AGRICULTURE AND HORTICULTURE DEPARTMENT,
SECRETARIAT BUILDING, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE COMMISSIONER OF HORTICULTURE, HORTICULTURE
DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH,
CHUTTUGUNTA CIRCLE, RYTHU BAZAR, GUNTUR DISTRICT-
522004
- 3.THE COMMISSIONER AND DIRECTOR OF AGRICULTURE,
DEPARTMENT OF AGRICULTURE, GOVERNMENT OF ANDHRA
PRADESH. CHUTTUGUNTA CIRCLE, RYTHU BAZAR, GUNTUR
DISTRICT-522004
- 4.THE DISTRICT AGRICULTURE OFFICER, SPSR NELLORE
DISTRICT
- 5.THE DISTRICT HORTICULTURE OFFICER, SPSR NELLORE
DISTRICT

6.MR B SURESH, MANDAL PARISHAD DEVELOPMENT OFFICER
ULAVAPADU, SPSR NELLORE

7.MR S YEDUKONDALU, VILLAGE AGRICULTURE ASSISTANT
ULAVAPADU 2, SPSR NELLORE DISTRICT

8.MR D VIJAY KUMAR, MANDAL AGRICULTURE OFFICER,
ULAVAPADU MANDAL SPSR NELLORE DISTRICT

...RESPONDENT(S):

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 topleased to issue an appropriate order, writ or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondent no.4 in issuing the show-cause notice vide Rc.No. Extn.IX/389.2024 dated 04.10.2025 without having power to do so, which is contrary to guidelines issued by the respondent no.1 in the G.O.Ms. No. 630 Department dated 01.10.2019 as arbitrary, illegal and without jurisdiction and also violative of the fundamental rights guaranteed to the petitioner under Articles 14,16 and 21 of the Constitution of India and consequently set aside the said show cause notice issued to the petitioner and disciplinary action is liable to be initiated against the respondent no 4 for abuse of power by issuing the impugned show-cause notice to the petitioner

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the show cause notice vide Rc.No. Extn.IX/389.2024 dated 04.10.2025, issued by the respondent no 4, pending disposal of the Writ Petition

Counsel for the Petitioner:

1.CHUKKA HARIKA

Counsel for the Respondent(S):

1.GP FOR SERVICES II

ORDER:

1. The petitioner is challenging the show cause notice dated 04.10.2025 issued by respondent No.4. It is submitted that respondent No.4 does not have the statutory power to issue the show cause notice, as the petitioner is working under the 5th respondent. The show cause notice issued by respondent No.4 is contrary to the rule, as respondent No.4 is an officer working in the Agricultural Department, whereas the petitioner was recruited as a Village Horticulture Assistant after undergoing the recruitment process pursuant to Recruitment Notification, 2020.

2. When the matter is taken up for hearing, the learned Assistant Government Pleader appearing for the respondents fairly concedes that the 5th respondent is the competent authority to issue any show cause notice or pass any further orders insofar as the service conditions or regulation of the service of the petitioner are concerned.

3. In such circumstances, recording the submissions of learned counsel for petitioner and the learned Assistant Government Pleader, the impugned proceedings are hereby set aside. According, the present writ petition is disposed off. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:07.05.2026

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 07.05.2026

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