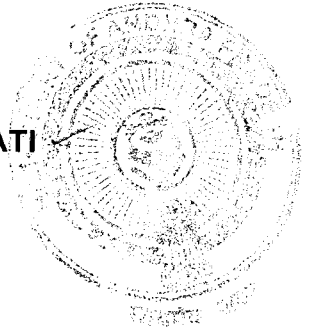


**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**



FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION Nos. 40556 & 40541 OF 2022

WP.NO.40556 OF 2022

Between:

Akula Venkatesh, S/o A. Mohan Rao, Age 27 years, Occ NIL, R/o 34-061-344, Govind Nagar 1st lane, Kurnool road, Ongole, Prakasam-523001

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Municipal Administration Department, 1st Block, 1st Floor, A.P Secretariat Office, Velagapudi-522023.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Commissioner & Director of Municipal Administration, PRIME HILL CREST, 4th Floor, Near DGP Office, Beside Ultratech ReadyMix Plant, Vaddeswaram Village, Mangalagiri, Andhra Pradesh-522502.
3. State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, PR & RD No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District PIN 522 501.
4. The Commissioner, (PR & RD), No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District.
5. The District Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
6. The Joint Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
7. The Zilla Parishad CEO, (Chief Executive Officer) Prakasasm, Ongole, Andhra Pradesh 523201.

...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 Writ, order or direction more particularly in the nature of Writ of Mandamus, declaring the inaction on the part of the Respondents in not taking any steps in filling up the sliding posts in-spite of vacancies being listed out explicitly, that arose due to relinquishment or non-joining of the upward merit list in the Notification No.06/2020, dated 10-01-2020 till date, albeit multiple representations made by the petitioner herein along with similarly placed candidates, dated 11-06-2021 and 06-04-2021, as arbitrary, illegal and violative of Articles 14, 16 of the Constitution of India, violative of Principles of Natural Justice and consequently direct the Respondents to fill the said vacancies with the downward merit list.

IA NO: 1 OF 2022

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 herein to consider and dispose of the representations made by the petitioner along with similarly placed candidates herein, dated: 11-06-2021, 06-04-2021 and not to consider the said vacancies that arose in the notification no. 06/2020, dated: 10-01-2020 in any further and future notification that shall be issued, pending disposal of WP 40556 of 2022, on the file of the High Court.

WP.NO.40541 OF 2022

Between:

Bathula Madhu Babu, S/o Kotaiah, Age 45 years, Occ NIL, R/o 4-23-60, John Peta, Chirala, Perala, Prakasam (Dt) AP-523157.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Municipal Administration Department, 1st Block, 1st Floor, A.P Secretariat Office, Velagapudi-522023.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Commissioner & Director of Municipal Administration, PRIME HILL CREST, 4th Floor, Near DGP Office, Beside Ultratech ReadyMix Plant, Vaddeswaram Village, Mangalagiri, Andhra Pradesh-522502.
3. State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, PR & RD No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District PIN 522 501.
4. The Commissioner, (PR & RD), No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District.
5. The District Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
6. The Joint Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
7. The Zilla Parishad CEO, (Chief Executive Officer) Prakasasm, Ongole, Andhra Pradesh 523201.

...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 Writ, order or direction more particularly in the nature of Writ of Mandamus, declaring the inaction on the part of the Respondents in not taking any steps in filling up the sliding posts in-spite of vacancies being listed out explicitly, that arose due to relinquishment or non-joining of the upward merit list in the Notification No.06/2020, dated 10-01-2020 till date, albiet multiple representations made by the petitioner herein, dated 06-04-2021, 11-06-2021, as arbitrary, illegal and violative of Articles 14, 16 of the Constitution of India, violative of Principles of Natural Justice and consequently direct the Respondents to fill the said vacancies with the downward merit list.

IA NO: 1 OF 2022

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 direct the Respondents herein to consider and dispose of the representations made by the petitioner herein, dated: 06-04-2021, 11-06-2021 and not to consider the said vacancies that arose in the notification no. 06/2020, dated: 10-01-2020, pending disposal of WP 40541 of 2022, on the file of the High Court.

The petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and upon hearing the arguments of Sri Bala Krishna Mandapati, Advocate for the Petitioner and of GP for General Administration for the Respondent No.1 (in both petitions), GP for Municipal Administration for Respondent No.2 (in both petitions), GP for Panchayat Raj for Respondent Nos.3 & 4 (in both petitions), GP for Revenue for Respondent Nos.5 & 6 (in both petitions), Ms. B.V. Aparna Lakshmi, Standing Counsel for Respondent No.7 (in both petitions), the Court made the following

COMMON ORDER:

“Heard Sri M.Bala Krishna, Learned Counsel for the Writ Petitioner and Learned Government Pleader for Village and Ward Secretaries and Ms B.V.Aparna Lakshmi, Learned Standing Counsel for Zilla Parishad.

2. The case of the Writ Petitioner is that the Government of Andhra Pradesh has issued Notification No.6 of 2020, dated 10.01.2020 for filling up of various posts under the Department of Panchayat Raj.

3. The Mode of selection would be by a written examination. The Writ Petitioners have appeared in the Written Examination. Some of the posts that were sought to be filled up were left vacant due to the reason of the selected candidates sliding to some other posts.

4. The grievance of the Writ Petitioners is that these posts that were left vacant on account of the successful candidates opting for other posts, ought to have been filled up by the Government by the subsequent meritorious candidates, if at all they fall under the zone of consideration. It is also their case that they have made Representations to the Respondent Nos.4 and 5 to consider their cases and to fill the posts which are kept vacant on account of the sliding by the successful candidates from a particular post to the other posts. The Representations dated 11.06.2021 (Ex.P1 collectively) are sought to be considered by the Respondent Nos.4 and 5 as an interim measure.

5. Let Counter-Affidavit be filed within two (02) weeks. One (01) Week thereafter to file Rejoinder, if any.

6. In the meantime, there shall be a direction to Respondent Nos.4 and 5 to consider the Representations submitted by the Writ Petitioners dated 11.06.2021 (Ex.P1 collectively) and dispose the same within a period of three (03) weeks from today by a Speaking Order.

7. The Respondents are also directed to place on the file of this Court, the Speaking Order that would be passed by them within a week thereafter.

8. List the matter on 18.01.2023.

9. Registry is directed to print the name of Government Pleader for Village and Ward Secretariats and the name of Ms.B.V.Aparna Lakshmi, Learned Standing Counsel for Zilla Parishad in the Cause List."

Sd/- M. PRABAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary, Municipal Administration Department, State of Andhra Pradesh, 1st Block, 1st Floor, A.P Secretariat Office, Velagapudi-522023
2. The Principal Secretary, Municipal Administration Department, Commissioner & Director of Municipal Administration, State of Andhra Pradesh, PRIME HILL CREST, 4th Floor, Near DGP Office, Beside Ultratech ReadyMix Plant, Vaddeswaram Village, Mangalagiri, Andhra Pradesh-522502.
3. The Principal Secretary, Panchayat Raj Department, State of Andhra Pradesh, PR & RD No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District PIN 522 501.
4. The Commissioner, (PR & RD), No. 12-47, P.V.S. ICON, Near Pratur Cross Road Tadepalli, Guntur District.
5. The District Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
6. The Joint Collector, Prakasam Bhavan, Ongole, Andhra Pradesh 523201.
7. The Zilla Parishad CEO, (Chief Executive Officer) Prakasam, Ongole, Andhra Pradesh 523201. (1 to 7 by RPAD)
8. One CC to Sri. Bala Krishna Mandapati, Advocate [OPUC]
9. One CC to Sri B.V. Aparna Lakshmi, Standing Counsel [OPUC]
10. Two CCs to GP for General Administration, High Court of AP. [OUT]
11. Two CCs to GP for Panchayat Raj, High Court of AP. [OUT]
12. Two CCs to GP for Revenue, High Court of AP. [OUT]
13. One spare copy.
14. The Section Officer, Writ (Service) Section and Posting Section, High Court of Andhra Pradesh

MSB

HIGH COURT

GRKP,J

DATED:16/12/2022

ORDER

LIST THE MATTER ON 18.01.2023

WP.Nos.40556 & 40541 of 2022

INTERIM DIRECTION

2000