

APHC010689472025



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

[3333]

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 1886 of 2026

Between:

1.K SANDEEP KUMAR, S/O.LATE NAGESWARA RAO, AGE 32 YEARS, WORKING AS BOREWELL OPERATOR, (WORK INSPECTOR AND METER READER) ENGINEERING SECTION, ELURU MUNICIPAL CORPORATION, ELURU DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, A.P.SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. PINCODE 522238

2.THE DIRECTOR OF MUNICIPAL ADMINISTRATION, ANDHRA PRADESH SECRETARIAT, AMARAVATHI, PINCODE 522238

3.THE ENGINEERINCHIEF PH, TADEPALLI, GUNTUR DISTRICT. PIN CODE 52201

4.THE SUPERINTENDING ENGINEER PH ENGINEERING, DANAVAIPET, RAJAMUNDRY- PINCODE 533101

5.SRI BHANU PRATAP B A B ED, THE COMMISSIONER, ELURU MUNICIPAL CORPORATION, ELURU DISTRICT. PINCODE 534001

...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 to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not continuing the petitioner as Technical Work Inspector in view of acquiring the qualification of Degree in Mechanical Engineering in the year 2015 and

thereby to consider the case of the petitioner for promotion to the post of Municipal Assistant Engineer under Statutory Rules or in treating the petitioner for absorption as Ward Amenities Secretary Grade-II keeping in view of G.O.Ms.No.286 MA and UD dt.7.11.2019 and re-designating the petitioner Borewell Operator without issuing any notice to the petitioner contrary to Statutory Rules behind the petitioner's back as illegal, arbitrary and violates Article 14, 16, and 21 of Constitution of India and C1 consequentially declare that the petitioner is entitled to be treated as Technical Work Inspector for being considered for promotion to the post of Municipal Assistant Engineer as per A.P.Municipal Engineering Subordinate Service Rules 2019 or consider his case as Ward Amenities Secretary Grade-II as per G.O.Ms.No.286 MA and UD dt.7.11.2019 with all consequential attendant benefits from the date on which he is eligible in the interest of justice and to pass

IA NO: 1 OF 2026

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 issue interim direction directing the respondents to consider the case of the petitioner for promotion to the post of Municipal Assistant Engineer treating him as Technical Work Inspector from the date of his appointment as per G.O.Ms.No.595 Housing, MA & UD dt.22.9.1977 R/w. In the existing vacancies pending disposal of the Writ Petition and to pass

IA NO: 2 OF 2026

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 may be pleased to grant leave for filing Reply Affidavit in Writ Petition No. 1886 OF 2026 and pass

Counsel for the Petitioner:

1.P V RAMANA

Counsel for the Respondent(S):

1.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

2.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA**WRIT PETITION NO: 1886 of 2026****ORDER:-**

This Writ Petition is filed questioning the action of the Respondents in not continuing the Petitioner as Technical Work Inspector in view of acquiring the qualification of Degree in Mechanical Engineering in the year 2015 and thereby to consider the case of the Petitioner for promotion to the post of Municipal Assistant Engineer under statutory rules or in treating the Petitioner for absorption as Ward Amenities Secretary Grade-II keeping in view of the G.O.Ms.No.286 MA & UD, dated 07.11.2019 and re-designating the Petitioner Borewell Operator without issuing any notice to the Petitioner is contrary to the rules and same is illegal and arbitrary.

2. The case of the Petitioner in nutshell is that the father of the Petitioner by name Mr. K. Nageswara Rao worked as an Attender in the Municipal Corporation, Eluru. After his demise, the Petitioner was considered under compassionate appointment as Work Inspector in the month of March-2020. The Petitioner completed his graduation in Mechanical Engineering in the month of April, 2015.

3. The grievance of the Petitioner is that though he is entitled for promotion for absorption as Ward Amenities Secretary Grade-II in accordance with G.O.Ms.No.286 MA & UD, dated 07.11.2019, the Respondents with an intention to avoid the Petitioner from the said absorption has re-designated the post of Work Inspector Grade-IV to that of Bore Well Operator as per the note

orders of Executive Authority dated 02.01.2021, without issuing a notice, which in fact affected further promotion to the Petitioner. As per Service Certificate issued by the Respondents dated 07.11.2025, the Petitioner was continued as Work Inspector Civil Works from 05.03.2020 to 05.06.2023. Aggrieved by the action of the Respondents in not absorbing the Petitioner into Ward Amenities Secretary Grade-II pursuant to the G.O.Ms.No.286 MA & UD, dated 07.11.2019, the present Writ Petition came to be filed.

4. The Respondent No.5 filed Counter-Affidavit duly admitting the fact that the Petitioner was initially appointed as a Work Inspector on compassionate grounds on 04.03.2020. As the appointment was found erroneous in view of G.O.Ms.No.286 MA and UD Department, dated 07.11.2019 as the posts of technical and non-technical work inspectors were changed to Ward Amenities Secretaries as Village/ Ward Secretariats have emerged during 2019, the Petitioner was given the post of Borewell Operator which was kept vacant as on 11.01.2021. It is further submitted that as per G.O.Ms.No.286 MA and UD Department, dated 07.11.2019 the Petitioner cannot be appointed as Work Inspector Technical / Non-Technical and that the Petitioner is drawing salary in the cadre of Borewell Operator only and there is no proof or logic to show that he is discharging the duties of Work Inspector as the very designation of Work Inspector has been rescinded way back 2019 itself.

5. To the Counter-Affidavit filed by the Respondents, the Petitioner has filed Reply Affidavit duly stating that that as per Service Certificate issued by

the Respondent Authorities dated 07.11.2025 would show that the Petitioner was shown as Work Inspector since 05.03.2020 to 05.06.2023. In similar circumstances, one Mr. P.P.G.Manikanta, who was also appointed on companionate grounds in view of death of his father on 25.09.2020 was considered as Borewell Operator initially and thereafter on his request, as per orders of the government, his case was considered as Filter Bed Operator, which is higher post than that of Borewell Operator, who is also having same qualification as possessed by the Petitioner.

6. Heard Ms. Santhisree, learned counsel representing Mr. P.V.Ramana, learned counsel for the Petitioner; learned Assistant Government Pleader for Servies-I and Mr. A.S.C.Bose, learned Standing Counsel for the Respondents.

7. On perusal of the material papers filed by the Petitioner as well as Counter-Affidavit filed by the Respondent No.5, it is an admitted fact that the Petitioner was initially appointed on 05.03.2020 as Work Inspector. The nomenclature has been changed as Ward Amenities Secretary, Grade-II as per G.O.Ms.No.286, dated 07.11.2019 and the Petitioner was continued to work in such post of Work Inspector. When nomenclature of such post has been converted as Ward Amenities Secretary, Grade-II way back 2019, even prior to date of appointment of the Petitioner, admittedly the Respondents have appointed him as Work Inspector.

8. In view of the same, at this juncture, the Respondents cannot take a plea that the Petitioner is not entitled for promotion for Municipal Assistant

Engineer, treating him as Technical Work Inspector from the date of his appointment as per G.O.Ms.No.595, dated 22.09.1977. Since similarly situated candidate by name Mr.P.P.G.Manikanta was considered for promotion by the Respondents. This Court is of the opinion that the same can be extended to the Petitioner in the present case also.

9. In view of foregoing discussion, without touching the merits of the case, this Court feels it appropriate to direct the Petitioner to submit a fresh representation to the Respondent Authorities with a request to consider his case for further promotion on par with Mr. P.P.G.Manikanta, within a period of one (01) week from the date of receipt of a copy of this order. On receiving the same, the Respondents shall consider the case of the Petitioner for the promotional post of Municipal Assistant Engineer subject to eligibility, within a period of four (04) weeks thereafter.

10. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Date: 05.05.2026
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