

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT PETITION No.35749 OF 2013

Between:

1. The Government of Andhra Pradesh represented by its, Special Principal Secretary Environment, Forests, Science Technology, Department, Secretariat, Hyderabad.
2. The Prl. Chief Conservator of Forests, (Head of Forest Force), Aranya Bhavan, Andhra Pradesh, Hyderabad.

...PETITIONERS/Respondents in O.A.No.5591 of 2011.

AND

1. K. Ramadevi, W/o. D. Krishnamachary, Forest Section Officer, (Now on Maternity Leave), R/o. H.No.7-3-75, Main Bazar Dabbuset Lane, Bellampail, Adilabad Dist.

.....RESPONDENT/APPLICANT in O.A.

2. The Hon'ble Andhra Pradesh Administrative Tribunal, Represented by its Registrar at Hyderabad

...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 an appropriate Writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI and call for the records relating to and connected with the order dated.12-03-2013 in 5591 of 2011 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, and to quash or set aside the same by holding as erroneous and contrary to law.

I.A. NO: 1 OF 2013(WPMP. NO: 44441 OF 2013)

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 operation of orders dated 12-03-2013 in O.A.No.5591 of 2011 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, pending disposal of the writ petition.

I.A. NO: 1 OF 2015(WVMP. NO: 4358 OF 2015)

Between:

K. Ramadevi, W/o. D. Krishnamachary, Forest Section Officer, (Now on Maternity Leave), R/o. H.No.7-3-75, Main Bazar, Dabbuset Lane, Bellampalli, Adilabad Dist.

.....PETITIONER/RESPONDENT No.1

AND

1. The Government of Andhra Pradesh represented by its, Special Principal Secretary Environment, Forests, Science Technology, Department, Secretariat, Hyderabad.
2. The Prl. Chief Conservator of Forests, (Head of Forest Force), Aranya Bhavan, Andhra Pradesh, Hyderabad.

...RESPONDENTS/PETITIONERS

3. The Hon'ble Andhra Pradesh Administrative Tribunal, Represented by its Registrar at Hyderabad

(Respondent No.3 not necessary party in this petition)

...RESPONDENT/RESPONDENT

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 Vacate the interim orders passed by the Hon'ble High Court in W.P.M.P.No. 44441 of 2013 in W.P.No.35749 of 2013 dated 20-12-2013 in the interest of justice.

Counsel for the Petitioner: SRI SATYANARAYAN RAO, GP FOR SERVICES

Counsel for the Respondent No.1: SRI P. V. RAMANA

Counsel for the Respondent No.2: --

The Court made the following: ORDER

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
WRIT PETITION No.35749 OF 2013**

ORDER: *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed aggrieved by the order, dated 12.03.2013, passed in O.A.No.5591 of 2011, by the Andhra Pradesh Administrative Tribunal, Hyderabad, (for short "the Tribunal").

2. Heard Sri Satyanarayan Rao, learned Government Pleader for Services, appearing for the petitioners and Sri P.V. Ramana, learned counsel appearing for respondent No.1.

3. Learned Government Pleader appearing for the petitioners contended that the respondent No.1 was working as 'Forest Section Officer' and she was sent for training at A.P. Forest Academy, Dulapalli, Hyderabad. During her training, she secured honours, as she has obtained more than 75% of marks and respondent No.1 claimed to be appointed as Forest Range Officer, as per Rule 3 of the Forest Subordinate Service Rules.

Accordingly, respondent No.1 submitted a representation to the petitioners for appointment as Forest Range Officer in terms of Recruitment Rules issued in G.O.Ms.No.85, dated 25.07.2008 and when her case was not considered by the petitioners, she has approached the Tribunal by filing O.A.No.5591 of 2011. The Tribunal erroneously allowed the said O.A. vide order, dated 12.03.2013 and directed the petitioners to consider the case of respondent No.1 by relaxing Rule 10 (ii) of A.P. Forest Service Rules issued in G.O.Ms.No.154, dated 18.11.1997 and to appoint her to the post of Forest Range Officer, as it was done in the case of others, without appreciating any of the contentions raised by the petitioners.

4. Learned Government Pleader for the petitioners further contented that the Tribunal has directed the petitioners to relax Rule 10 (ii) of A.P. Forest Service Rules. However, the said relaxation cannot be granted as a matter of right, hence, the Tribunal ought to have directed the petitioners to consider the case of respondent No.1 as per the Recruitment Rules, but the Tribunal could not have

directed the petitioners to relax the rules. Therefore, appropriate orders be passed in the Writ Petition setting aside the order passed by the Tribunal and allow the Writ Petition.

5. On the other hand, learned counsel appearing for respondent No.1 contended that the respondent No.1 has secured honours in the training, hence, as per the Recruitment Rules, she is entitled to be considered for appointment as Forest Range Officer. He further contended that it is not only respondent No.1, but several other persons were considered as per Rule 3 of the Forest Service Rules. Therefore, the Tribunal was justified in allowing the O.A. on the ground of discrimination. Hence, there are no merits in the Writ Petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that admittedly respondent No.1 has secured honours in the training and as per the Recruitment Rules, she is entitled for consideration of her

case for appointment as Forest Range Officer. The Tribunal has examined the case of respondent No.1 and came to a conclusion that similarly situated persons were considered for appointment as Forest Range Officer, hence, the petitioners were not justified in ignoring the case of respondent No.1. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal, more so, when the Tribunal has allowed the O.A. in favour of respondent No.1 on the ground of discrimination, as several other similarly situated persons' cases were considered by the petitioners.

7. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending, shall stand closed.

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SD/-T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

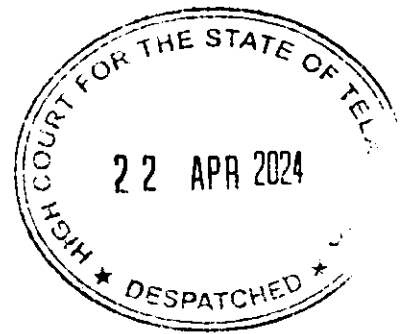
1. Two CCs to GP for Services, High Court for the State of Telangana at Hyderabad [OUT]
2. One CC to SRI P. V. RAMANA, Advocate [OPUC]
3. Two CD Copies

MP
KKS



HIGH COURT

DATED:21/03/2024



ORDER

WP.No.35749 of 2013

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑤ VW
22/4/24