

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10076/2024

(Arising out of impugned judgment and order dated 03-10-2023 in WP No. 15291/2022, WP No. 10593/2022, WP No. 3570/2021 and WP No. 17517/2021 passed by the High Court of Andhra Pradesh at Amravati)

THE STATE OF ANDHRA PRADESH & ORS. ETC.

Petitioner(s)

VERSUS

A. SOW REDDY & ORS. ETC.

Respondent(s)

(IA No.66810/2024-CONDONATION OF DELAY IN FILING and IA No.66812/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 66810/2024 - CONDONATION OF DELAY IN FILING
IA No. 66812/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Kv Girish Chowdary, Adv.
Mr. T Vijaya Bhaskar Reddy, Adv.
Ms. Rajeswari Mukherjee, Adv.
Mr. Meeran Maqbool, Adv.
Ms. Archita Nigam, Adv.

For Respondent(s) Mr. C. Murali Krishna, Adv.
Mr. Chand Qureshi, AOR
Mr. Nand Ram, Adv.
Mr. Sandiv Kalia, Adv.
Ms. Reena Rao, Adv.
Mr. Kafeel Ahmed, Adv.
Mr. Harsh Verma, Adv.
Mr. S.k.mehta, Adv.

Mr. Sravan Kumar Karanam, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.

2. Heard Mr. Mahfooz Ahsan Nazki, learned counsel appearing for the State of Andhra Pradesh. Also heard Mr. C.M. Krishna, learned counsel, who is appearing on Caveat for the respondents.

3. It is seen from the materials on record that the respondents who are seeking the benefit of consideration of promotion on the basis of unamended provisions, had expressed their willingness for conversion on 03.05.2017 and the concerned amendment came to be effected subsequently on 31.05.2017.

4. Learned Government counsel would refer to the common judgment passed by the Division Bench on 08.10.2013 to say that the steps were taken by the Government in consonance with the aforesaid judgment of the High Court of Andhra Pradesh.

5. However, we have perused the impugned judgment of the Division Bench and particularly note the following paragraphs:

“35. Since the writ petitioners, admittedly, applied in terms of the notification issued under the unamended Rule and as they expressed willingness for being appointed as Police Constables (Civil) in terms of the unamended Rule, in the considered opinion of this Court, the action of the respondent authorities in denying the benefit/right accrued to the writ petitioner under the unamended Rule, cannot stand for judicial scrutiny and the said action is a clear infraction of the Fundamental Rights guaranteed under Chapter 3 of the Constitution of India. Admittedly, the impugned amendment came to be carried out by placing reliance on the judgment of the Composite High Court of Andhra Pradesh in W.P.No.26765 of 2011 and batch, dated 08.10.2013. In the considered opinion of this Court, the respondents grossly erred in making the said judgment as the basis as the issues in the said batch

of Writ Petitions would not relate to the subject category of posts. In the considered opinion of this Court, the impugned amended Rule cannot be made applicable to the cases of the petitioners.

36. For the aforesaid reasons, Writ Petitions are allowed, declaring that the amended Rule 10 (ii) (ii) cannot be made applicable to the cases of the writ petitioners either for appointment as Police Constables (Civil) or for computation of their seniority. There shall be no order as to costs."

6. Having considered the aforesaid reasoning, the view taken by the Division Bench in the impugned judgment dated 03.10.2023 is found to be reasonable. The Special Leave Petitions are accordingly dismissed.

7. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR