

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.28122 OF 2014

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DATE:01.06.2015

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BETWEEN:

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V.Venkateswarlu
Petitioner

..

And

Acharya N.G.Ranga Agricultural University rep. by its Registrar,
Hyderabad and two others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION NO.28122 OF 2014

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of mandamus declaring the action of the respondents in not promoting him as Workshop Supervisor in the pay scale of Rs.15280-420-15700-450-17050-490-18520-530-20110-570-21820-610-23650-700-27700-750-9250-800-32350-850-530-34900-900-37600-970-40510 (RPS-2010) with effect from 25.02.2014 as arbitrary, illegal, *mala fide*, discriminatory and violative of the fundamental rights guaranteed to him under Articles 14 and 16 of the Constitution of India and to issue a consequential direction to promote him as workshop supervisor forthwith.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner joined the respondent-University in February, 1985 as Welder (Mechanic Grade-II). On securing promotions, the petitioner is presently working as Mechanic Grade-I. Admittedly, he is junior to Mr. A.Chandrapal and Mr. C.Zarar Ahmed.

Mr. A.Chandrapal was promoted as workshop supervisor, but he did not join the said post. Thereafter, Mr.C.Zarar Ahmed was also promoted to the post of workshop supervisor. Both of them retired from service. The petitioner claims to be the next candidate in the seniority list eligible for promotion to the post of workshop supervisor. It is submitted by the petitioner that Dr.T.V.Satyanarayana, Dean of Agricultural Engineering, the third respondent herein with a *mala fide* intention to spoil the career of the petitioner, harassed him by reducing his basic pay against which a W.P.No.23247 of 2008 was filed by the petitioner which is now pending. According to the petitioner, the action of the first respondent in not considering his case for promotion to the post of workshop supervisor is highly arbitrary and illegal and therefore, he filed the present writ petition.

4. The respondents filed counter-affidavit whereunder they admitted the seniority asserted by the petitioner in the writ petition. It is contended by them that promoting Mr.A.Chandrapal, Mechanic Grade-I as Workshop Supervisor at the College of Agricultural Engineering, Bapatla is by oversight taking into account the qualifications prescribed for the post of Agricultural Engineering Supervisor which comes under category-I of Class-IV, but not workshop supervisor. As the said candidate did not join the promoted post at Bapatla, the orders of his promotion were cancelled. Later, Mr.C.Zarar Ahmed who possess requisite qualification for the post of workshop supervisor was promoted as per seniority. He too did not join the said post. It is admitted that the next candidate in the seniority list is the petitioner.

5. However, the specific contention of the respondents is that the petitioner does not possess the requisite qualification for the promotion of the workshop supervisor. Therefore, he is not entitled for promotion. In the alternate it is contended that nobody junior to the petitioner has been promoted as workshop supervisor and therefore, the petitioner has no *locus standi* to file the present writ petition complaining that his fundamental right to be promoted is violated.

6. According to the respondents, the Amended A.P. Agricultural University Engineering Service Regulations, 1984 issued vide proceedings dated 14.07.1986 are as follows:

- i) *Graduate in Agricultural Engineering, Mechanical Engineering, or any equivalent degree in the respective branches;*
- ii) *Experience in handling workshop machinery like welding plants, lathes, shaping, planning and drilling machinery etc. And maintenance, upkeep and repairs of transport vehicles is preferable;*

OR

Diploma in Mechanical Engineering with a minimum of 5 years experience in well established workshop.

7. The version of the respondents is that the petitioner does not have any qualification prescribed by the above regulations and therefore, he cannot be promoted as workshop supervisor.

8. The petitioner is not able to establish that he possesses the requisite qualifications as prescribed by A.P. Agricultural University Engineering Service Regulations, 1984 Amended by Order, dated 14.07.1986. Further, there is nothing on record to show that the respondents are going to fill up the post of workshop supervisor by transfer. Therefore, as rightly contended by the respondents, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India complaining that his fundamental right for promotion under Article 14 of the Constitution of India is violated.

9. For the foregoing reasons, this Court is of the considered view that no relief as claimed by the petitioner in the present writ petition can be granted to him. The writ petition, is therefore, dismissed without any order as to costs.

Miscellaneous petitions, if any, filed in this writ petition shall stand closed.

R.KANTHA RAO, J

Date:01.06.2015
ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION NO.28122 OF 2014

Date:01.06.2015

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