

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.17045 of 2016

Date:02.6.2016

**Between:**

L.Veerasha Lingam,  
S/o Mallaiah and 51 others.

**.....Petitioners**

**And:**

State of Telangana, repled by its Principal  
Secretary, Intermediate Education, Hyderabad  
and five others.

**....Respondents**

Counsel for the petitioners: Mr. S.Rama Chandra Rao  
For Mr. K.R.Prabhakar

Counsel for Respondent Nos.1, 3 & 4: GP for Services (TS)  
Counsel for Respondent No.2: GP for Services (AP)  
Counsel for Respondent No.5: Mr. D.Bala Kishan Rao

The Court made the following:

**ORDER:** *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by denial of interim order in their  
favour, the applicants in O.A.No.1858 of 2016 on the file

of the Andhra Pradesh Administrative Tribunal, Hyderabad filed this Writ Petition.

The petitioners pleaded that they acquired the qualification of Intermediate Vocational course in Crop Production and Management. They have filed the above O.A. questioning Rule-5 of Andhra Pradesh Agricultural Subordinate Service Rules, 1997 as amended by G.O.Ms.No.202, Agriculture and Co-Operation (AGRI.IV) Department, dated 07.8.2009, to the extent that it does not include the Intermediate Vocational course as eligible qualification for appointment to the post of Agricultural Extension Officer Grade-II. The petitioners have relied upon G.O.Ms.No.428, Education (IE2) Department, dated 23.9.1985, wherein it is directed that the pass-outs of the Intermediate Vocational courses as shown under Column-2 of the Annexure to the said G.O. are eligible for appointment to the posts shown under Column-3 thereof. As per the said annexure, for the posts of Sub-Assistants and Village Development Officers, the persons holding Intermediate vocational qualification are eligible.

It is the further pleaded case of the petitioners that under the Andhra Pradesh Agricultural Subordinate Service Rules, 1997 (for short 'the Rules'), Sub-Assistants Grade-II are recognized as equivalent to Agricultural Extension Officers Grade-II under Category-2 of Clause-A under Rule-2 thereof. Their grievance is that in spite of G.O.Ms.No.428, dated 23.9.1985, the amended Rule under G.O.Ms.No.202, dated 07.8.2009, has not included Intermediate Vocational course as eligible qualification for appointment to the post of the Agricultural Extension Officer Grade-II. The immediate cause of action for the petitioners to file the above-mentioned O.A. was the employment notification No.4/16, dated 30.4.2016, wherein for the post of

Agricultural Extension Officer Grade-II, Intermediate vocational course is not shown as eligible educational qualification. The Tribunal while admitting the O.A., however, declined to grant interim order on the ground that the petitioners are not eligible for consideration as per the notification issued by the respondents. It has observed that the recruitment process is subject to the outcome of the O.A.

Mr. S.Rama Chandra Rao, learned senior counsel appearing for the petitioners, submitted that though a decision was taken as far back as the year 1985, vide G.O.Ms.No.428, dated 23.9.1985, and also the Commissioner of Intermediate Education has issued proceedings, dated 16.7.2011, requesting the Principal Secretary to Government, Secondary and Intermediate Education to issue orders in favour of the pass-outs of Intermediate vocational course in Crop Production to be treated on par with the pass-outs of Diploma in Agriculture for all benefits, no orders have been issued so far and that, as recent as 2009, G.O.Ms.No.428 and the proceedings, dated 16.7.2011, fell on deaf ears of the Government while amending the eligibility criteria for appointment to the posts of Agricultural Extension Officers Grade-II.

Learned Government Pleader for Services (Telangana State) while seriously opposing the submissions of the learned senior counsel, argued that unless the petitioners are eligible for consideration as per the existing notification, they are not entitled to any interim order. He has also relied upon order, dated 25.01.2016, in O.A.No.146 of 2016 and batch, wherein the Tribunal has dismissed a similar batch of O.As filed raising a similar contention pertaining to an earlier notification.

Mr. D.Bala Kishan Rao, learned Standing Counsel

for the Telangana State Public Service Commission, submitted that the entire selection process is computerized and that even if an interim direction is granted by the Court to permit the petitioners to appear for the examinations, the same cannot be implemented.

We have carefully considered the respective submissions of the learned counsel for the parties and perused the record.

No doubt, the eligibility of the persons with Intermediate Vocational course in Crop Production and Management for being treated on par with the Diploma holders in Agriculture for consideration to the post of Agricultural Extension Officer Grade-II is engaging the attention of the Government that be from the year 1987. As noted herein above, the Government issued G.O.Ms.No.428, dated 23.9.1985 recognizing the eligibility of the persons holding the Intermediate vocational course for the post of Sub-Assistants, which under the Rules are evidently equated to the post of Agricultural Extension Officers Grade-II. However, to the misfortune of these persons, the Government has not included the same as one of the eligible qualifications while amending the extant Rules in G.O.Ms.No.202, dated 07.8.2009, as a result of which, they are not rendered eligible. Though the petitioners have a *prima facie* case in their favour, the fact remains that the Rule as it stands today, does not render them eligible for being considered to the posts of Agricultural Extension Officers Grade-II. Added to this, any interim direction granted at this stage may not be capable of implementation in view of computerization of the whole selection process.

In these circumstances of the case, this Court does not find it either appropriate or feasible to grant any interim relief in favour of the petitioners. However, it is

made clear that if the petitioners succeed in the above-mentioned O.A., the respondents are bound to consider their cases, if necessary by creating the supernumerary posts as, the O.A. filed by them cannot be rendered fait accompli merely on account of filling up of the posts of Agricultural Extension Officers Grade-II pending the main case before the Tribunal.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.20983 of 2016 filed by the petitioners for interim relief is disposed of as infructuous.

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*JUSTICE C.V.NAGARJUNA  
REDDY*

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*JUSTICE G.SHYAM PRASAD*

*02<sup>nd</sup> June 2016  
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