

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**THURSDAY, THE TWENTIETH DAY OF JULY TWO
THOUSAND AND SIXTEEN**

—
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

—
WRIT PETITION No.3111 of 2011

Between:

B. Subramanyam Naik, s/o. B.Ramji Naik, aged about 45 years,
Assistant Engineer O/o. Dy.Exe.Engineer, EEW-I, 1 Sub-
division, Tirumala Tirupathi Devasthanams,Tirupathi, Chittoor
District and others.

.. Petitioners

AND

The Government of A.P., rep. by its Principal Secretary to
Government, Endowments Department, Secretariat, Hyderabad
and another.

.. Respondents

The Court made the following:

—
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

—
WRIT PETITION No.3111 of 2011

ORDER

This writ petition is filed praying to grant the following relief;

“to issue a direction, order or writ more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in

(a) issuing proceedings Roc.TL.1/10990/2009 dated 17.01.2010 in review of the earlier proceeding dated 27.11.2009 which has the effect and consequence of restoring the contrived percentage of ratio of 3:1 in favour of Graduate Engineers i.e., Assistant Executive Engineers for being considered for appointment/promotion to the posts of Dy.Executive Engineers.,

(b) by declaring that the 3rd proviso to rule 2(c)(2) of A.P.Engineering Service Rules does not apply to TTD Services if necessary by declaring the third proviso to Rule 2(c)(2) of the A.P.Engineering Service Rules notified in G.O.Ms.No.285 dated 22.02.1967 as amended from time to time as arbitrary, illegal, offending Article 14 and 16 of the constitution of India and as also being contrary to the scheme and intent of the statutory rules comprised therein and for a consequential direction to the respondents to restore the proceedings in Roc.TL 1/10990/2009 dated 27.11.2009.”

2. When the writ petition is called, Sri C. Srinivasa Baba, learned Standing Counsel representing the Tirumala Tirupathi Devasthanams, placed on record the order passed by this Court in W.P.No.8219 of 2010 dated 25.08.2010.

3. As seen from the said order, the very same proceedings dated 17.01.2010 were challenged. The grievance of the petitioners therein and in this writ petition is the same i.e., fixing a ratio between graduates and diploma engineers in the category of Assistant Engineers in the ratio of 3:1. This Court rejected the challenge and upheld the proceedings dated 17.01.2010.

4. Learned counsel for the petitioners did not dispute the fact that the decision of the learned Single Judge in W.P.No.8219 of 2010 dated 25.08.2010 is on the same issue. However, learned counsel submits that as against the said order, W.A.No.706 of 2010 is filed and the same is pending consideration before the Division Bench of this Court.

5. In W.P.No.8219 of 2010 dated 25.08.2010, this Court held as under;

“At the outset, it is to be noted that right from the beginning, in the TTD no persons with the qualification of “Compressed Engineering Diploma” were recruited as Assistant Engineers or Additional Engineers. Therefore, in the TTD, as is noticed in the proviso to the Rule that the ratio of 2:1:1 will cease to operate after the Additional Assistant Engineer holding Compressed Engineering Diploma qualifications were exhausted and the question of exhausting such Compressed Engineering Diploma holders in TTD Engineering Services does not arise, since no such person was recruited. Therefore, as is decided in the above judgment and also a plain reading of the proviso as noticed above, would indicate that fixing of the ratio 3:1 i.e. between the Graduates and Diploma holders cannot be said to be either arbitrary or illegal. The contention of the learned counsel that the bracketed portion was also adopted by the TTD (since GO Ms. No.720 Irrigation and Power (Ser.IV) dated 19.9.1977 indicated below the proviso as well as Group ‘B’ table), it must be deemed that the third vacancy should go to the Diploma holders,

making the ratio 2:2. The said proposition set up by the learned counsel for the petitioners cannot be countenanced. A plain reading would show that as soon as the cadre of Additional Assistant Engineers holding Compressed Engineering Diploma qualification are exhausted, the ratio will cease to operate and the third vacancy also will be filled up by the Assistant Executive Engineer holding Graduation qualification. This makes clear that the ratio has to be maintained wherever the Additional Assistant Engineers holding Compressed Engineering Diploma qualifications are not available or recruited for the purpose of promotion to the post of Deputy Executive Engineer. In view of the above, I am of the considered opinion that it cannot be said that the respondents have taken into consideration all irrelevant things for the purpose of coming to the conclusion that the ratio between the Graduates and the Diploma holders be fixed at 3:1. The writ petition being devoid of merits does not call for any interference by this court under Article 226 of the Constitution of India, into the impugned order passed by the respondents. The writ petition is liable to be dismissed and is accordingly dismissed. No order as to costs.

6. Since the same issue was considered by this Court and the impugned proceedings were upheld, following the said decision, this Writ Petition is also dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN

RAO, J

20th July, 2016

sj