

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

WRIT PETITION No.3685 of 2017

Date:07.8.2017

Between:

The State of A.P., retpd by its
Principal Secretary, Agricultural Marketing
Department, Telangana and two others.

..... Petitioners

And:

P.Praveen Kumar,
S/o P.Madhava Reddy and another.

.....Respondents

Counsel for the petitioners: GP for Services (Telangana)

Counsel for respondent No.1: Mr. T.Ramesh

The Court made the following:

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

Respondent No.1 was appointed as a Typist in the office of petitioner No.3 by exempting him from possessing higher qualification of Higher Grade typewriting in Telugu and English, subject to the condition of his acquiring the said qualification within two years. Though he has not acquired the said higher qualification, he was nevertheless promoted as Junior Marketing Assistant on 15.7.2009. Five years thereafter, i.e., on 14.7.2014, a show cause notice was issued to him as to why he should not be reverted as Attender as, he does not have the required qualification to hold the post of Typist. This notice was assailed by respondent No.1 by way of filing O.A.No.5722 of 2014 before the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'). On a thorough consideration of the facts of the case, the Tribunal by its order, dated 10.3.2016, has set aside the said show cause notice. Feeling aggrieved by the said order of the Tribunal, the State and its functionaries filed this Writ Petition.

Learned Government Pleader for Services (Telangana) submitted that the Tribunal ought not to have interfered with the show cause notice as, admittedly respondent No.1 has not acquired the higher qualification, which was stipulated as a condition while appointing him as a Typist. The fact, however,

remains that instead of reverting respondent No.1, the petitioners have promoted him to the post of Junior Marketing Assistant and he has been working in the said position for more than five years. Learned Government Pleader has not disputed the fact that qualification of Higher Grade typewriting in Telugu and English is not relevant for the post of Junior Marketing Assistant. Therefore, in the facts of this case, the Tribunal is justified in interfering with the show cause notice and we do not find any justifiable reason to set aside the order of the Tribunal.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.4390 of 2017 filed by the petitioners for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

07th August 2017

DR