

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 31742 OF 2017

DATED 19TH SEPTEMBER, 2017

Between:

A.Venkata Krishnaiah

... Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary to Government,
Irrigation & CAD Department,
A.P. Secretariat, Velagapudi,
Guntur District, and others

... Respondents

Counsel for the petitioner

:

Sri M.Kesava Rao

Counsel for the respondents

:

G.P. for Services (A.P.)



THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed for *certiorari* to quash order dated 30-08-2017 in O.A.No. 761 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

2. The relevant facts have already been referred to by the Tribunal. Therefore, they need not be repeated here. The order of the Tribunal dismissing the O.A., filed questioning the reversion of the petitioner to the post of Office Subordinate from that of Junior Assistant, is based on the fact that admittedly when the petitioner was first appointed as Chainman, he did not have intermediate qualification which is the minimum required educational qualification for holding the post of Junior Assistant and that therefore he was mistakenly appointed as Junior Assistant in pursuance of the minutes of the meeting held on 03-01-2015 in the chambers of Principal Secretary to Government, Irrigation and CAD Department.

3. Admittedly, the post of Junior Assistant requires a pass in intermediate as the educational qualification. From the minutes of the aforementioned meeting, it is evident that a decision was taken to absorb the displaced persons of Somasila/SPVBR of Telugu Ganga Project who are appointed long back and working in land acquisition units subject to certain conditions. One such condition pertains to qualification which reads as under:

"Qualification: *The qualification possessed by the candidate at the time of joining in the Unit of L.A. has to be taken for consideration of absorption for the present post."*

It is significant to notice that for the purpose of consideration of absorption for the post, the qualification possessed by the candidate at the time of joining in the

unit of land acquisition is made relevant. The petitioner has acquired intermediate qualification after he joined the land acquisition unit as Chainman. Evidently, not noticing this fact, the petitioner was initially promoted on 09-01-2015 and within a few days thereafter, he was reverted as Officer Subordinate on 24-01-2015. In the light of the above facts, the Tribunal has dismissed the O.A. and in our view correctly. Therefore, we do not find any merit in this Writ Petition and the same is accordingly dismissed.

4. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 39542 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 19-09-2017.

JSK

