

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22497 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ of Mandamus or any other writ, order or direction in the nature of a writ, directing the respondent to promote the petitioner as Sanitary Maistry with effect from 25.5.1998 the date on which seven unqualified persons were promoted to the posts without promoting equal number of qualified persons and give consequential benefits like scale of pay, seniority and other allowances as Sanitary Maistry and pass such other orders in the interest of justice.”

Heard Sri G. Peddababu, learned counsel appearing for the petitioner, and learned Standing Counsel appearing for the respondent-Tirumala Tirupathi Devasthanam(TTD).

It is the case of the petitioner that initially, he was appointed as Mazdoor on N.M.R. basis during the year 1990 in the respondent-TTD and his services were regularized with effect from 11.10.1990. He is fully qualified and eligible to be promoted as Sanitary Mazdoor. The respondent-TTD has amended the Rules in respect of certain posts *vide* G.O.Ms.No.366, Revenue (Endowments III) Department, dated 20.04.1996. Two

methods of recruitment are provided for promotion to the post of Sanitary Maistry viz., (i) Under qualified quota, VII Class is the minimum qualification and one must have put in three years of service as Sanitary Workers/Sweepers (ii) under unqualified quota, the persons who have not passed VII Class and have put in three years of service in the feeder category employees such as Sanitary Workers and Sweepers. The respondents have fixed ratio of 1:1 for promotion to the post of Sanitary Maistry from qualified quota and unqualified quota. Since the petitioner has passed X class, he falls under qualified quota. As per the ratio provided in G.O.Ms.No.366, dated 20-4-1996, the case of the petitioner has to be considered for promotion to the post of Sanitary Maistry among the qualified quota.

The grievance of the petitioner is that the respondents have promoted seven persons under un-qualified quota and none of the persons under qualified quota were promoted as Sanitary Inspectors. Challenging the said action of the respondents, the petitioner has filed W.P.No.13172 of 2004. This Court disposed of the said writ petition on 29-07-2004 directing the respondents to pass appropriate orders on the

representation of the petitioner dated 2.7.2004, as per the law, within two months from the date of receipt of copy of the order. But, the respondents have not passed any orders thereon.

Learned counsel appearing for the petitioner contends that the respondents must follow the ratio of 1:1 between the qualified and unqualified candidates, but in the instant case, no such ratio has been followed; that ignoring the case of the petitioner, the respondents have promoted 17 unqualified persons; and that appropriate orders be passed directing the respondents to promote the petitioner notionally with effect from 25.09.2004 with all consequently benefits.

Learned Standing Counsel appearing for the respondents contends that the persons who were promoted under unqualified quota, were all appointed prior to 1978 and were seniors to the petitioner; that their cases were considered for promotion as one time measure; and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that when once the respondents have amended the Rule *vide* G.O.Ms.No.366, dated 20.04.1996 fixing the ratio of 1:1 among qualified and unqualified persons for promotion to the posts of Sanitary Maistries, the respondents cannot ignore the case of the petitioner for promotion under qualified quota as he is fully eligible and qualified to be appointed as Sanitary Maistry.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Sanitary Maistry on par with 17 candidates, who were promoted as Sanitary Maistries, with all consequential benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*20<sup>th</sup> December, 2018*

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