

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.30777 of 2017

ORDER:

Petitioners are working as Office Subordinates in the Animal Husbandry Department in the District of Warangal. They are aggrieved by the inaction of the respondents in filling up the vacancies earmarked for in-service candidates like them for the next higher post of Veterinary Assistant by respondents.

2. According to petitioners, the respondents have only taken into account the vacancies in the cadre of Veterinary Assistant as on 01-06-2016 ignoring 30 vacancies which arose on 08-06-2016 when 30 Veterinary Assistants were promoted as Livestock Assistants in Warangal District vide proceedings No.1344/B/2016, and also further 13 vacancies which arose on the promotions given to 13 more Veterinary Assistants vide proceedings Roc.No.9517/BIII/B6/2017 dt.07-10-2017 of the 1st respondent.

3. Petitioners contend that even according to the impugned order, one vacancy was available for in-service candidates as on 01-06-2016 and when subsequently 30 and 13 vacancies arose, making in all the total number of vacancies as 43 in the category of Veterinary Assistant, the respondents cannot ignore the claim of petitioners, who are in-service candidates, for being considered for appointment of said posts since 50% of the posts in the category of Veterinary Assistant have been earmarked vide G.O.Ms.No.26 dt.28-06-2014 to the in-

service candidates (Rule 3 of sub-Rules of Animal Husbandry Subordinate Service Rules,1996).

4. In the counter-affidavit filed by respondents there is no reference to the vacancies which arose on 08-06-2016 and 07-10-2017 when 30 and 13 Veterinary Assistant posts fell vacant on the promotion of the incumbents in the said post to the post of Livestock Assistant. It is also not denied by respondents that vide G.O.Ms.No.26 dt.28-06-2004, 50% of the posts in the category of Veterinary Assistant are earmarked for in-service candidates like the petitioners. Thus it is clear that the stand in the counter-affidavit is contrary to the record.

5. Therefore, the Writ Petition is allowed, the memo dt.11-08-2017 issued by the 1st respondent is set aside as being contrary to the record and also G.O.Ms.No.26 dt.28-06-2004; and respondents are directed to consider filling up of 43 vacancies existing in the category of Veterinary Assistant by the in-service candidates working in the cadre of Superintendents etc., in accordance with G.O.Ms.No.26 dt.28-06-2004 within two (02) months from the date of copy of the order and then send the eligible candidates for departmental training in the Veterinary Assistant course. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-01-2018

vsv