

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.22843 and 22852 OF 2017

COMMON ORDER: (per SK,J)

The prayers of the petitioners in these two writ petitions are identical and read as under:

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more in the nature of Mandamus directing the Andhra Pradesh Public Service Commission to prepare a single merit list to all the posts arose upto 31.8.2000 in different spells of various categories of executive posts as per Rule 3(6) of APPSC Rules pursuant to Notification No.10/99 dated 28.12.1999 by giving re-option to the petitioner who was selected according to highest merit in the 1<sup>st</sup> round of selections in terms of the Judgment of the Hon’ble Supreme Court in Civil Appeal No.5099 of 2009 and batch dated 8.2.2015 and consider the case of the petitioner to the post of Deputy Tahsildar or any other post as per his re-option and as per merit obtained by him in the selection process with all consequential benefits by holding the action of the AP Public Service Commission in preparing the latest selection list on 9-6-2017 even without permitting the petitioner to exercise revised option and also even without including his name in the selection list without any justification or reasonable cause while extending the benefit of revised option of posts in respect of ASOs who were selected along with the petitioner in the 1<sup>st</sup> round of selections and including them in the present revised selection list dated 9-6-2017 is as illegal arbitrary discriminatory unjust violative of Articles 14, 16 and 21 of the Constitution and opposed to all principles of natural justice equity and fair play and pass such other and further orders as this Hon’ble Court may deem fit and proper.’

Though Sri P.Narasimha, learned counsel for the petitioners, would submit that the issue sought to be raised by the petitioners in these cases is different from the issue that is presently under consideration before the Supreme Court, Sri C.Srinivasa Baba, learned counsel for the Andhra Pradesh Public Service Commission, would state that in terms of the

judgment of the Supreme Court in M.Surender Reddy v. Government of Andhra Pradesh<sup>1</sup>, the selection procedure introduced *vide* G.O.Ms.No.124 dated 07.03.2002 was held to be prospective and was therefore not applicable to the selections made pursuant to Advertisement No.10 of 1999.

It appears that the petitioners, who were selected under the aforestated advertisement, are now asking for relief by allowing them to aspire for the posts other than those to which they were appointed in the year 2001.

As we are informed that the Supreme Court is presently seized of the entire issue and any observations made therein may have some impact on the present prayer of the petitioners, we are of the opinion that the petitioners must necessarily await the decision of the Supreme Court. In the event their grievance survives for consideration even thereafter, it would be open to them to seek redressal thereof by way of fresh proceedings.

Subject to the above observation, the writ petitions are dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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SANJAY KUMAR,J

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M.GANGA RAO,J

Date:21.03.2018

GJ

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<sup>1</sup> Civil Appeal No.5099 of 2006 decided on 18.02.2015