

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.34770 of 2014

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present petition, the State of Telangana has challenged order dated 09.10.2013 passed in O.A.No.7286 of 2013 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed by the 1st respondent under Section 19 of the Administrative Tribunals Act, 1985 has been allowed, by directing the petitioners to consider the case of the 1st respondent for promotion to the post of Assistant Technical Officer, by passing appropriate orders declaring his probation as per Rule 18 (b) (ii) of A.P. State and Subordinate Service Rules, 1996 as per his eligibility and seniority and if he comes within the zone of consideration. The learned Tribunal further directed that appropriate orders in this regard shall be passed within a period of 8 weeks from the date of receipt of the order.

2. The present writ petition is filed on the ground that the Engineer-in-Chief (AW) Hyderabad has issued Memo No.RC/ENC/K4/5056/2010 dated 09.09.2011 informing that as per APSS Rules, the qualification required for the post of Junior Technical Officer is Diploma in Civil Engineering or equivalent qualification. The 1st respondent is qualified in ITI Civil Draughtsman in the year 2007 from Department of Employment and Training, Certificate issued by the NCVT as private candidate from

Industrial Training Institute, Mallepally, Hyderabad; so, he is not coming under zone of consideration regarding requisite qualification to hold the post of Junior Technical Officer. Since the 1st respondent is not having the requisite qualification which is essential to hold the post of Junior Technical Officer, his probation in the cadre of Junior Technical Officer could not be declared and promotion to the post of Assistant Technical Officer could not be considered.

3. It is not in dispute that the 1st respondent herein and one Sri E.Ramesh were appointed by transfer to the post of Junior Technical Officer. Earlier, both were working as Junior Assistants in the same circle. Since the probation of the 1st respondent and the above-named E.Ramesh was not declared, they filed O.As., before the Tribunal and the learned Tribunal allowed the O.A., as mentioned above. Being aggrieved, petitioners challenged order dated 09.10.2013 passed in O.A.No.7277 of 2013 filed by the said Ramesh. The same was dismissed vide order dated 21.04.2014.

4. It is not in dispute that order passed by this Court in W.P.No.11726 of 2014 dated 21.04.2014 in the case of Sri E.Ramesh has been complied with and his probation has been declared.

5. Learned counsel appearing on behalf of the 1st respondent, on instructions, submits that the 1st respondent possesses the same qualifications as that of Sri E.Ramesh, i.e., ITI Civil Draughtsman and also Diploma in Civil Engineering, which are required for the post of Assistant Technical Officer; therefore, now, the petitioners cannot

raise a plea that the 1st respondent is not qualified for the post of Assistant Technical Officer; therefore, his probation cannot be declared.

6. Since we do not have the record of the qualifications of the above-named E.Ramesh, we deem it appropriate to dispose of the present writ petition, directing the petitioners to comply the directions issued by the learned Tribunal in O.A.No.7286 of 2013 in its order dated 09.10.2013. We make it clear that if the 1st respondent does not possess requisite qualifications for the post of Assistant Technical Officer on par with Sri E.Ramesh, the petitioners are at liberty to pass appropriate orders and communicate the same to the 1st respondent.

7. With the above directions, the writ petition stands disposed of. No order as to costs.

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

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

February 21, 2018
MRR