

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.19057 OF 2018

Dated:11.06.2018

Between:

I.N.V. Mohan, S/o. M.P. Naganna,
Aged about 51 years, Assistant
Executive Officer, Sri Brahmaramba
Mallikarjuna Swamy Vari Devasthanam,
Srisailam, Kurnool District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government, Revenue
(Endowments) Department, AP Secretariat,
Velagapudi, Amaravathi, Guntur District,
Andhra Pradesh and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.19057 OF 2018

ORDER:

Heard.

2. Petitioner was promoted as Assistant Executive Officer on 08.03.2012. It appears, a complaint was filed alleging that petitioner did not have requisite qualification to hold the post and his promotion was illegal. Having come to know that action was initiated to revert the petitioner on the ground that he did not have the qualification, earlier he requested to grant time. However, there is no material on record as to whether the said request was received by the authorities concerned or whether any decision was made regarding the request of grant of time. By the order impugned, the petitioner was reverted on the ground that he has not passed Accounts Test for Executive Officers and therefore his promotion is not sustainable.

3. Learned counsel for the petitioner would submit that on reversion, petitioner is assigned the very same duties in the capacity as In-charge. On 14.05.2018, petitioner submitted representation enclosing a copy of the degree certificate as well the extract of bulletin published by the Andhra Pradesh Public Service Commission showing passing of Accounts Test held in May, 2009. Alleging illegal action in reverting the petitioner without following due process of law, this Writ Petition is filed.

4. Admittedly, petitioner made a representation enclosing all the relevant documents evidencing passing of degree in the year 2007 and Accounts Test for Executive Officers in May, 2009.

5. In view of the same, without expressing any opinion on the merits of the case, the Writ petition is disposed of directing the 3rd respondent, the Executive Officer of the Devasthanam, to examine the representation dated 14.05.2018 submitted by the petitioner as regards the claim of the petitioner of possessing the requisite qualification and take appropriate decision as warranted by law. A decision to this effect shall be taken and communicated to the petitioner as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. Till a decision is taken, petitioner shall be continued in the present capacity. In the event of accepting the claim of the petitioner regarding passing of degree and Accounts Test for Executive Officers even before his promotion, the order of reversion stands nullified and petitioner shall be treated as in continuous service with all consequential benefits. Further, petitioner is also entitled to pay and allowances attached to the post from the date of reversion till the orders are passed by the Executive Officer as per the above directions. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:11.06.2018

KH