

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHAVA RAO

+ Writ Petition No.24644 of 2018

% 17-12-2018

D.Roshan S/o Late S.A. Karimulla, Aged 35 years,
Occ: Process Server, R/o D.No.4-4-570,
Nehru Nagar, Thirupathi, Andhra Pradesh

... Petitioner

Vs.

\$ 1. High Court of Judicature at Hyderabad
for the State of Telangana and the State of A.P.,
Rep. by its Registrar (Admn.)

2. The Prl. District Judge, Chittoor District at
Chittoor, Andhra Pradesh

3. The State of A.P., Rep. by its Prl. Secretary,
Law Dept., Secretariat, Amaravathi, Velagapudi

... Respondents

! Counsel for the Petitioner: Mr. Srikanth Hari Haran,
Representing Mr. V.Hari Haran

Counsel for Respondents 1to3: Mr. Posani Venkateswarlu,
Standing Counsel for High Court

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHAHA RAO

Writ Petition No.24644 of 2018

Order: (per V.Ramasubramanian, J.)

Contending that he should have been appointed to the post of Junior Assistant at least with effect from the date of issue of G.O.Ms.No.100, dated 08-8-2013, a person who was appointed on compassionate grounds as Process Server has come up with the above writ petition.

2. Heard Mr. Srikanth Hari Haran, learned counsel for the petitioner and Mr. Posani Venkateswarlu, learned Standing Counsel for the High Court.

3. The petitioner's father died in harness, paving the way for the petitioner to be appointed as a Process Server, on 03-10-2000. It appears that even at the time of his appointment, the petitioner has completed Intermediate and was prosecuting an undergraduate degree. The degree course was completed in 2004 and the petitioner also completed post graduation in 2009.

4. After the issue of G.O.Ms.No.100, dated 08-8-2013, the A.P. Judicial Ministerial Service Rules themselves underwent a sea change. After the advent of the Rules, persons who were earlier appointed to several posts, got redesignated to new posts. Persons who were appointed after the issue of G.O.Ms.No.100, were so appointed to posts to which they were eligible.

5. It appears that when recruitments were made after the issue of G.O.Ms.No.100, persons who were less qualified than the petitioner were appointed to Judicial Ministerial Service, whereas

the petitioner continued in the Last Grade Service. Therefore, the petitioner made a representation at least to appoint him as Junior Assistant from the date of issue of G.O.Ms.No.100. However, the same was rejected, forcing the petitioner to come up with the above writ petition.

6. Unfortunately for the petitioner, he got appointed way back in the year 2000, by applying the Rules that were in force and the Circulars that were in force. This is why the petitioner himself did not raise an issue from the year 2000 up to the year 2013 that he was wrongly appointed to a lower post. It was only the issue of G.O.Ms.No.100 that gave a handle to the petitioner to seek modification of his appointment.

7. But the amendments issued to the A.P. Judicial Ministerial Service Rules, do not provide for such modification in the case of appointments on compassionate grounds. Persons who were appointed after the issue of G.O.Ms.No.100 and persons who were appointed after the issue of the High Court's Circular of the year 2017, stand on a different footing than the petitioner. Therefore, there can be no comparison. Hence, the writ petition deserves to be dismissed, accordingly, it is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

P.KESHAVA RAO, J.

17th December, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHA RAO

Writ Petition No.24644 of 2018
(per VRS, J.)



17th December, 2018.
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