

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45489 of 2018

ORDER:

1. With the consent of both the Counsel, this Writ Petition is taken up for final hearing and for disposal at the admission stage.

2. This Writ Petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in not giving eligibility, in service rules, to Agricultural Extension Officers (AEOs) with Diploma in Agriculture Qualification for appointment by transfer to the post of Agricultural Officer (AO) in the guise of Rule 26 of the Insecticide Rules, 1971, Clause-27A of the Fertilizer (Inorganic, Organic and Mixed) (Control) Order, 1985 & Rule 20(ii) & Rule 22 of the Seed Rules, 1968 as illegal, arbitrary, discriminative besides violative of Articles 14 and 16 of the Constitution of India, and consequently, to direct the 1st respondent to give eligibility to in-service AEOs having Diploma in Agriculture qualification to be appointed as AO by amending service rules without reference to Rule 26 of the Insecticide Rules, 1971, Clause 27A of the Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985 & Rule-20(ii) & Rule 22 of the Seed Rules, 1968.

3. Heard Sri Peeta Raman, learned Counsel for the petitioners and the learned Government Pleader for Agriculture (Telangana).

4. It has been contended by the petitioners that they are working as Agricultural Extension Officers and they are fully eligible and qualified for appointment by transfer to the post of Agricultural Officer. The petitioners contended that the qualification prescribed for the post of Agricultural Extension Officer is Diploma in agriculture/B.Sc agriculture, and as per Recruitment Rules, for the post of Agriculture Officer, B.Sc agriculture is prescribed, but Diploma in agriculture is not prescribed. Further, it has been contended by the petitioners that the qualification prescribed for higher post of Assistant Director of Agriculture is B.Sc (Agriculture)/Diploma in Agriculture, and that the Rule making authority has not properly considered the qualifications, and for the lower post of Agricultural Extension Officer, Diploma in Agriculture is prescribed whereas for the superior post viz., Assistant Director of Agriculture, again Diploma in agriculture is prescribed and when it comes to intermediate post viz., Agricultural Officer, Diploma in Agriculture is not prescribed; and to that effect, the petitioners submitted representation dated 20.11.2018 to consider their cases and include the qualification of diploma in agriculture for the post of Agricultural Officer as it was done in

the case of Assistant Director of Agriculture, and therefore, appropriate orders may be passed directing the respondents to consider their representation for inclusion of qualification of Diploma in Agriculture for the post of Agricultural officer and pass appropriate orders.

5. The learned Government Pleader for Services III contended that the representation of the petitioners will be considered by the respondents and appropriate orders will be passed in accordance with the rules.

6. This Court having considered the rival submissions made by the parties, is of the view that this Writ Petition can be disposed of directing the respondents to consider the representation of the petitioners dated 20.11.2018 and pass appropriate orders.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioners dated 20.11.2018 for inclusion of qualification of Diploma in Agriculture for the post of Agricultural Officer, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioners are at liberty to make a fresh representation also in addition to the representations already submitted by them, and the respondents shall also consider their latest

representation and pass appropriate orders. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December, 2018
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.45489 of 2018
(withdrawn)

14th December, 2018

Nn