

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6881 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“.... to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the respondent no 3 not considering the petitioners candidature to the post of village revenue servant by continuing the respondent no 4 as village revenue servant even after attaining the age of superannuation in violation of Section 40A of AP Revenue Village Assistants Service Rules 2005 as illegal arbitrary and in violation of the principles of natural justice fair play statutory provision of AP Revenue Village Assistants Service Rules 2005 and in violation of Article 14 and 16 of Constitution of India”.

Heard Mr.D.V.Chalapathi Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed as Village Revenue Assistant. To that effect, the petitioner has submitted a representation to the respondents on 18.01.2019 requesting the 3rd respondent to appoint him as Village Revenue Assistant in the place of 4th respondent, who is continuing as Village Revenue Assistant contrary to the Rules. The 3rd respondent is continuing the 4th respondent even after attaining the age of superannuation. Therefore, the petitioner has filed the said representation to remove the 4th respondent from the post of Village Revenue Assistant, as he has already attained the age of

superannuation and consider the case of the petitioner to the post of Village Revenue Assistant in terms of Rules.

Learned Government Pleader appearing for respondents has contended that the 4th respondent had attained the age of superannuation and the contention of the petitioner that the 4th respondent is being continued even after attaining the age of superannuation is totally incorrect and false and the 4th respondent cannot be continued in service after completion of 65 years. As and when vacancy arises for the post of Village Revenue Assistant, the respondents would follow Rule 9 of the A.P. Village Servants Service Rules, 2005 (for short 'the Rules'), for filling up the post of Village Revenue Assistant. However, the request of the petitioner to appoint him as Village Revenue Assistant pursuant to his representation cannot be considered. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the 3rd respondent to verify whether the 4th respondent is continuing as Village Revenue Assistant even after attaining the age of superannuation and if the 4th respondent is still continuing, the 3rd respondent is directed to disengage his services.

It is needless to say that respondents 1 to 3 shall follow Rule 9 of the Rules for filling up the post of Village Revenue Assistant. If the petitioner is eligible for the post of Village Revenue Assistant, his case can be considered for appointment to the post of Village Revenue Assistant in accordance with Rule 9 of the Rules. It is needless to say that the petitioner can also apply whenever the

respondents issue recruitment notification for the post of Village Revenue Assistant.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 02-04-2019
Prv



