

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11205 of 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, order or directions more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent No 2 in preparing the provisional seniority list of Assistant Public Prosecutor appointed in the year 2007 *vide* Memo No.1937/B1/2010, dated 20-02-2013 by placing the petitioner at Sl.No.16 instead of at Sl.No.10 without considering the passing of 3rd departmental test i.e., November, 2009 session held on 11-05-2010 and changing the date of commencement of probation from 21-01-2008 to 12-05-2008 is contrary to the A.P State and Subordinate Service Rules, 1996 (Adaptation to the State of Telangana) issued vide G.O.Ms.No.196, dated 28-05-2016, as arbitrary, illegal and contrary to tenets of law and consequently direct the respondents more particularly respondent No.2 to prepare the fresh provisional seniority list of Assistant Public Prosecutors appointed in the year 2007 by revising the provisional seniority list of Assistant Public Prosecutor issued *vide* Memo No.1937/B1/2010, dated 20-02-2013 by considering the petitioner's passing of 3rd departmental test i.e., November, 2009 session held on 11-05-2010 henceforth and pass such other order or orders.”

Heard Sri Bethi Venkateshwarlu, learned counsel appearing for the petitioner and learned Government Pleader for Services-III.

It is the case of the petitioner that he was appointed as Assistant Public Prosecutor and is working as such. In the year 2007, he passed the departmental tests and his probation was declared with effect from 21.01.2008. But the 2nd respondent has prepared the provisional seniority list altering the date of probation from 21.01.2008 to 12.05.2008 contrary to the Rules without appreciating the fact that the petitioner has already passed the 3rd departmental test. Hence, the petitioner has filed his objections to the provisional seniority list.

Learned counsel appearing for the petitioner submits that the 2nd respondent is not taking into consideration the objections filed by the petitioner while preparing the seniority list and that appropriate orders be passed directing the 2nd respondent to take into consideration the objections filed by the petitioner and prepare the final seniority list, in accordance with the Rules.

Learned Government Pleader appearing for the respondents submits that the respondents would consider the objections filed by the petitioner and prepare the final seniority list in accordance with the Rules.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioner to file fresh objections within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objections, the respondents shall consider the same while preparing the final seniority list within a period of two months thereafter. However, it is needless to state that any promotion made will be subject to outcome of the final seniority list, which is likely to be prepared in pursuance to this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

13th June, 2019
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