

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**WRIT PETITION No.15706 of 2020****ORDER:**

1. This Writ Petition is filed under Article 226 of the Constitution of India, 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 in issuing a Memo No.A5/3118/2014, dated 04/05/2019, instead of providing a suitable job on compassionate grounds to the petitioner as illegal and arbitrary and violative of Article 14 and 21 of the Constitution of India and against the spirit of the scheme of compassionate appointment and consequently direct the respondents to provide a suitable job to the petitioner on compassionate ground in the interest of justice and pass.”

2. Learned counsel for the petitioner submits that in the earlier occasion the petitioner has filed W.P.No.32574 of 2018 and this Court has disposed of the said writ petition on 31.01.2019, directing the petitioner to submit a fresh representation to the respondents within two weeks thereon. Accordingly the petitioner has submitted representation and the impugned memo vide Proc.No.A5/3118/2014, dated 27.01.2021 has been passed by respondent No.3 rejecting the claim of the petitioner stating that as per G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 and G.O.Ms.No.1186, Revenue (VA) Department, dated 11.11.2011, the dependant of a deceased VRO

can be appointed as VRO only and for which the requisite qualification is passing of the Intermediate examination. Learned counsel submits that the order of this Court in W.P.No.32574 of 2018 was very clear to consider the case of the petitioner to appoint her in any suitable post other than the Village Revenue Officer (VRO), but inspite of which the impugned memo has been passed upon the direction of this Court stating that as per G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 read with G.O.Ms.No.1866, Revenue (VA) Department, dated 11.11.2011, the request of the petitioner for providing any suitable job on compassionate grounds cannot be considered and hence her claim was hereby rejected. Basing on the stated G.Os and on bare reading of the stated G.Os, it is found that the amendment was carried out vide G.O.Ms.No.1866, Revenue (VA) Department, dated 11.11.2011 and the said amendment as read under:

“In rule 4 of the said rules, for the words “Secondary School Certificate (10th Class) Examination” the words “Intermediate Public Examination conducted by the Andhra Pradesh State Board of Intermediate Examination or its equivalent examination” shall be substituted.”

3. Learned counsel submits that it is an admitted fact that the petitioner has passed only SSC and not intermediate and therefore this Court had passed the direction to consider his case in any suitable

post other than VRO and therefore submits that G.O.Ms.No.1866, Revenue (VA) Department, dated 11.11.2011 or G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 will not come in the way in considering the case of the petitioner in any suitable post for compassionate appointment. He therefore seeks this Court's intervention to pass appropriate orders.

4. On the other hand, Ms.Anitha, learned Assistant Government Pleader representing learned Government Pleader for Services-II submits that in terms of G.O.Ms.No.158, 13.02.2009 and G.O.Ms.No.1866, 11.11.2011, the case of the petitioner could not be considered in compliance to the order passed in W.P.No.32574 of 2018, dated 03.01.2019. She also submits that the case of the petitioner was examined and rejected since she does not qualify the intermediate as contemplated under G.O.Ms.No.158, 13.02.2009 and G.O.Ms.No.1866, 11.11.2011 and therefore seeks to dismiss the writ petition.

5. On bare reading of the entire material on record, this Court having regard to the fact that the case of the petitioner was forwarded to the CCLA, TS, Hyderabad, vide No.Ser.III (2)/1249/2015, dated

01.09.2016, wherein the letter was addressed to Principal Secretary to Government Revenue (Ser.II) Dept., Secretariat, Hyderabad, requesting to issue necessary orders for the compassionate appointment of the petitioner. But without waiting for the result and without following the necessary orders, it is found that the respondent in hurriedly manner without any application of mind had rejected the case of the petitioner based upon G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009, irrespective of the fact that this Hon'ble Court has passed clear directions to consider the case of the petitioner to any other suitable post other than VRO in the absence of possessing the necessary qualifications as contemplated in the stated G.O.

6. With these observations, this Court is inclined to dispose the writ petition directing the respondents to consider the case of the petitioner for any other suitable post other than VRO in accordance with law, while expediting the letter dated 01.09.2016, addressed by CCLA, TS, Hyderabad, vide No.Ser.III(2)/ 1249/2015, to the Principal Secretary to Government Revenue (Ser.II) Dept., Secretariat, Hyderabad, without insisting upon the intermediate qualification as contemplated under G.O.Ms.No.1866, Revenue (VA) Department, dated 11.11.2011 and

G.O.Ms.No.158, Revenue (VA) Department, dated 13.02.2009 as the petitioner is willing to join in any suitable post other than VRO, as expeditiously possible preferably within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

8. Miscellaneous application, if any pending, shall stand disposed of.

JUSTICE E.V.VENUGOPAL

Date:01.02.2023
Vsl

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

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W.P.No.15706 of 2020

Dated:01.02.2023
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