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APHC010128532025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-43 [3460]

WRIT PETITION NO: 6486 of 2025

V.B. Lepakshappa and Others ... Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 6832 of 2025

Mathangi Srinivasa Rao and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: KAVITHA GOTTIPATI

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7271 of 2025

Chukkala Srinivasa Rao, and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V PAVAN MAITREYA

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7272 of 2025

Rali Sateesh Kumar and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7276 of 2025

S Ramana and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7277 of 2025

Rachakonda Venkateswara Rao and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: RANGARAJULA RAJASEKHARA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7278 of 2025

D Surendra Babu, and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate(s) for Respondent(s): GP FOR SERVICES I, J SUDHEER

WRIT PETITION NO: 7280 of 2025

Boddepalli Narayanarao and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7332 of 2025

Nagula Jamala Rao and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: R V PAVAN MAITREYA

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 7334 of 2025

P Kanaka Raju and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: RANGARAJULA RAJASEKHARA RAO

Advocate(s) for Respondent(s): GP FOR SERVICES I, BOKKA SATYANARAYANA KAMLA

WRIT PETITION NO: 7540 of 2025

T.v. Suresh and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: KAVITHA GOTTIPATI

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8142 of 2025

A Hari Prasad and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: HARINATH REDDY SOMAGUTTA

Advocate(s) for Respondent(s): N ASHWANI KUMAR, GP FOR SERVICES I

WRIT PETITION NO: 8143 of 2025

Gandiboina Appa Rao and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8144 of 2025

M.raveendra, and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: VADAPALLI RAMESH

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8145 of 2025

Ch Srinivasulu and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8173 of 2025

B Sudhakar and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8176 of 2025

Pidugu Subrahmanyam, and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: K SRINIVASA PRASAD

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8812 of 2025

K Sivaramakrishna and Others ...Petitioner(s)

Vs.

The State Of Ap and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8814 of 2025

Tirakala Murali Krishna and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V PAVAN MAITREYA

Advocate for Respondent: GP FOR HOME

WRIT PETITION NO: 8815 of 2025

Vamireddy Gowri Naidu and Others ...Petitioner(s)

Vs.

The State of AP and Others ...Respondent

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR HOME

WRIT PETITION NO: 8816 of 2025

B.ramesh Babu and Others ...Petitioner(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V PAVAN MAITREYA

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8828 of 2025

G N V Satyanarayana and Others ...Petitioner(s)

Vs.

The State of AP and Others ...Respondent(s)

Advocate for Petitioner: R V PAVAN MAITREYA

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8830 of 2025 ...Petitioner(s)

Paidi Srinivasa Rao and Others

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

WRIT PETITION NO: 8831 of 2025

G Sreenivas and Others ...Petitioner(s)

Vs.

The State of AP and Others ...Respondent(s)

Advocate for Petitioner: R V MALLIKARJUNA RAO

Advocate for Respondent: GP FOR SERVICES I

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION Nos.6486, 6832, 7271, 7272, 7276, 7277, 7278, 7280, 7332, 7334, 7540, 8142, 8143, 8144, 8145, 8173, 8176, 8812, 8814, 8815, 8816, 8828, 8830 and 8831 of 2025

COMMON ORDER:

1. The present batch of Writ Petitions is filed for a direction to the Respondents to accord seniority to the Petitioners in the Civil Police category by counting the service rendered by them from the initial date of appointment in the Reserve or Special Police category in the corresponding cadres by applying the ratio of the Judgments of this Court.

2. Heard Sri R.V. Mallikarjuna Rao, Sri Harinath Reddy Somagutta, Sri Vadapalli Ramesh, learned counsels for the Petitioners as well as Sri Kirthi Teja Kondaveeti, learned Special Government Pleader for the Respondents.

3. ***The facts in brief:*** The Petitioners in this batch of Writ Petitions were initially appointed in the Armed Reserve Police/APSP/SPF either in the cadre of Constable or Sub-Inspector of Police after due selection process during the years 2001 to 2009. Thereafter, they were appointed as Police Constable (Civil) and Sub-Inspector of Police (Civil) under independent

recruitment notifications issued from time to time as direct recruits. This fact is undisputed and they seek to count the service rendered in the Armed Reserve Police/APSP/SPF while fixing their seniority in the cadre of Police Constable (Civil) and Sub-Inspector of Police (Civil) as the case may be.

4. ***The Governing Rules: The Andhra Pradesh Police (Civil Police) Sub-Ordinate Service Rules, 1999*** framed vide G.O.Ms.No.374, dated 14.12.1999 under the provisions of Andhra Pradesh (Andhra Area) District Police Act, 1859 and Andhra Pradesh (Telangana Area) District Police Act, 1329F and Hyderabad City Police Act, 1348F, read with the provisions to Article 309 of the Constitution of India or the Governing Rules. Under these Rules, two modes of recruitment are available for the Constables or Sub-Inspector of Police in Armed Reserve Police/APSP/SPF i.e., by Direct Recruitment or by Appointment by Transfer in the quota earmarked.

5. In the cadre of Sub-Inspector of Police (Civil), 5% of posts are earmarked for appointment by transfer from the cadre of Armed Reserve Police/APSP/SPF Sub-Inspectors, while 10% of the posts in the cadre of Police Constable (Civil) are earmarked to be filled by

appointment of transfer from the cadre of Armed Reserve Constables. The Rule 3 Note 1 as amended is extracted below;

"Note: (1) The percentage of the number of vacancies in the categories of Sub Inspectors of Police (Civil), Police Constables (Civil), Sub-Inspector of Police (woman) and Police Constables (women) in the matter of appointments by different methods shall be as given below :-

(a) Sub-Inspector of Police (Civil):

(i) Direct recruitment from Open market	*-50%*
(ii) Direct recruitment from Police Executive	*-5%*
(iii) Direct recruitment from Police Ministerial	*-1%*
(iv) Direct recruitment from Meritorious Sportsmen	*- 2%*
(v)Direct recruitment from children of Police Personnel	*-2%*
(vi) Direct recruitment from children of deceased/ Incapacitated Police personnel	*-2%*
(vii) Direct recruitment from National Cadet corps	*-3%*
(viii) Appointment by promotion of Assistant Sub-Inspectors/Head Constables	*-30%*
(ix) Appointment by transfer from Reserve Sub-Inspector of Police (AR/APSP)	***-5%***

(b) Police Constables (Civil):

(i) Direct recruitment from open market	*- 71%*
(ii) HG	*- 8%*
(iii) MSP	*- 2%*
(iv) CPP	*-4%*
(v) CDI	*-2%*
(vi) NCC	*-3%*
(vii) By appointment by transfer from Armed Reserve/Special Armed Reserve Central Police Line Constables	*-10%"*

6. Rule 10 of the said Rules under the heading "Seniority" prescribes the manner for fixing the seniority of the persons appointed by Direct Recruitment and by Appointment by Transfer. The Rule reads as under:

> ***"Seniority:-***
>
> ***i. The inter-se seniority of Police Constables of Class-A and Class-B recruited direct in a particular batch of a particular district/Hyderabad City Police shall be fixed based on the total marks secured by them at the time of recruitment together with the marks secured by them at the time of recruitment together with the marks secured in the examination conducted at the end of the training.***

ii. The inter-se seniority of directly recruited Sub-Inspectors of Class-A and Class-B shall be fixed on completion of training period in the training institution. Instead of at the time of selection in accordance with the list which shall be arranged in the order of merit which shall be determined in accordance with the aggregate of marks obtained by each probationer.

i. In respect of his marks secured in the first and second terminal examination and the marks in outdoor events like drill, revolver and musketery events and the marks secured in the passed subjects of the final examination, (The marks in the subjects in which they failed in the final examination need not be taken into account for fixation of seniority). The seniority so fixed shall be liable to revision by the Deputy Inspector General/Commissioner of Police, Hyderabad if the considers it necessary before completion of probation for reasons to be recorded in writing.

ii. The seniority of Police Constables of Armed Reserve or Andhra Pradesh Special Police battalions transferred to this service shall be determined with reference to their date of first appointment in the former category.

iii. The seniority of Assistant Sub-Inspectors and Head Constables in the respective categories shall be determined with reference to the dates of their appointment to the relevant categories."

7. The Sub-Rules **(i)** and **(ii)** speak of the method of determining seniority for the directly recruited Police Constables (Civil) and Sub-Inspectors of Police (Civil) respectively. There is a distinct variation in the mechanism of determining the seniority of the respective cadres as under Sub-Rule **(i)**, the seniority of the directly recruited Police Constables is determined based on total marks

secured by them at the time of recruitment, together with the marks secured by them in the examination conducted at the end of the training. While under Sub-Rule **(ii)**, the seniority of the Sub-Inspectors of Police shall be determined at the end of the training period in accordance with the aggregate of marks obtained by each probationer.

8. As regards the Police Constables of Armed Reserve Police/APSP/SPF appointed by transfer in the earmarked quota of 10%, an exemption is provided *vis-a-vis* the direct recruits and their seniority shall be determined with reference to their date of initial appointment in the former category. The seniority of Sub-Inspectors (Civil) appointed by transfer in the earmarked quota of 5% from the cadre of Armed Reserve/APSP/SPF is also protected under Rule 33(d) of A.P. State and Subordinate Service Rules, 1996.

9. ***Reasoning:*** The Rules referred to above are unambiguous. In the face of the Rules, the claim of the Petitioners for counting seniority from the date of initial appointment, though appointed as Police Constables (Civil) and Sub-Inspectors of Police (Civil) as direct recruits, is not traceable to any provision in the governing Rules i.e., the Andhra Pradesh Police (Civil Police) Sub-Ordinate Service Rules, 1999. The option to participate in the recruitment

process for the post of Sub-Inspector of Police (Civil)/Police Constable (Civil) while working in Armed Reserve Police/APSP/SPF was a voluntary act of the Petitioners and their seniority can be determined only as a direct recruit.

10. Further, seniority of an individual is a statutory right and not a fundamental right and the seniority should be fixed only in accordance with the governing rules. If the argument of the Petitioners is to be accepted, there would not be any difference to the persons appointed by transfer and direct recruits and the Rule providing protection of seniority to the Armed Reserve Police/APSP/SPF Constables/Sub-Inspector appointed by transfer would stand obliterated.

11. In ***K. Rajaiah v. State of A.P. and Others***[1]***,*** an individual working as Reserve Sub-Inspector of Police since 1968 was selected as Sub-Inspector of Police (Civil) pursuant to his application under a recruitment notification, written test and viva voce test in December, 1976. A claim was made for counting seniority as Reserve Sub-Inspector of Police and the said request was not acceded to by the Inspector General of Police. Thereafter, the Government issued G.O.Ms.No.344 on 11.06.1982 counting the

[1] 1987 Supp SCC 345

entire service of the said individual as Reserve Sub-Inspector of Police for fixing seniority in the cadre of Sub-Inspector of Police (Civil). This was questioned before the A.P. Administrative Tribunal and the G.O., was struck down. The same was challenged in Supreme Court and the orders of the Tribunal were upheld. The relevant portion of Paragraph 11 is extracted below;

> ***"11….****Although a government servant can be transferred from one post to another, but when he chooses to get himself recruited to that another post after subjecting himself to all requirements and formalities of direct recruitment along with other independent candidates and is confirmed after satisfactory completion of the probationary period, his appointment as a direct recruit cannot be substituted by an order of transfer to the prejudice of the other direct recruits in the matter of computation of seniority. It may be that the appellant had not resigned from the post of Reserve Sub-Inspector of Police, and that the government allowed him the last pay drawn as Reserve Sub-Inspector of Police on his appointment as Sub-Inspector of Police (Civil), that would not, in our opinion, wipe out the appointment of the appellant as a direct recruit. The Tribunal, in our view, is perfectly justified in holding that the appellant was directly recruited to the post of Sub-Inspector of Police (Civil), and that his seniority should be computed from the date of such appointment."*

12. Apart from that, no seniority list is called in question in these Writ Petitions, but a general claim is made to count their seniority from the initial date of appointment in Armed Reserve Police/APSP/SPF and that too after a lapse of 10-15 years from the date of joining in Civil Police cadres. In the absence of challenge to a

seniority list and parties likely to be affected, the claim of the Petitioners cannot be sustained.

13. In the pleadings filed in support of the Writ Petitions, there is no reference to the *Andhra Pradesh Police (Civil Police) Subordinate Service Rules, 1999* at all and the only basis for the claim was the Judgment of the Division Bench of this Court in W.P.No.17833 of 2014, dated 05.03.2018 and confirmed in review vide Orders, dated 22.10.2024.

14. The facts in the said case are distinctly different. In the said case, three individuals were initially selected as Reserve Sub-Inspector of Police in AR/APSP respectively in March, 1991 and in the course of induction training, they were re-selected as Sub-Inspector of Police (Civil) and underwent training as narrated in Paragraph 2 of the Judgment. The said individuals were further promoted as Inspectors and as Deputy Superintendent of Police in the year 2014. At that stage, it appears that the benefit of fixation of seniority in the cadre of Sub-Inspector of Police (Civil) was sought to be withdrawn. Questioning the same, they approached A.P. Administrative Tribunal as it then was vide O.A.No.6170 of 2013 and the same was allowed with a direction to fix seniority from the initial appointment as Reserve Sub-Inspector of Police. The said

Judgment was confirmed by the Division Bench. The review was dismissed for non-prosecution but was not confirmed on merits as was sought to be projected.

15. As narrated above, the facts are distinctly different to the facts of the present case as the individuals in the said case were re-selected as Sub-Inspector of Police (Civil) while undergoing induction training itself.

16. Even under the erstwhile ***A.P. Police Subordinate Service Rules, 1959,*** the position was no different, but for a brief period of time, there was uncertainty regarding the counting of the seniority of personnel from Reserve Police appointed as direct recruits in Civil Police. Under the erstwhile Rules, a claim by some Sub-Inspectors of Police (Civil) appointed by transfer for counting seniority from the date of initial appointment in Armed Reserve Police had come up before a Division Bench of this Court in ***E. Shankar Reddy v. Government of A.P.,***[2]. The claim was upheld after referring to Rule 15(c) of the Rules therein.

[2] 2002 Suppl.(2) ALD 654

17. Thereafter, a claim by a small group of Armed Reserve Sub-Inspector of Police appointed as a direct recruit as Sub-Inspector of Police (Civil) to count their seniority from the date of initial appointment as Armed Reserve Sub-Inspector of Police, came to be dismissed by the Andhra Pradesh Administrative Tribunal. Questioning the same, Writ Petitions were filed before this Court vide ***W.P.No.22176 of 2006 and batch*** and they came up for hearing before another Division Bench of this Court. The said Writ Petitions were allowed vide Order dated 01.03.2007 only on a concession given by the learned Government Pleader that the claim of the Petitioners therein was squarely covered by the Judgement in W.P.No.2120 of 2000 and batch, dated 15.6.2001 i.e., ***E. Shankar Reddy***'s case (2 supra)***.***

18. A plain reading of the claims in both the cases would make it explicitly clear that the issues in both the cases are distinctly different. The claim in ***E. Shankar Reddy***'s case (2 supra) was by persons 'appointed by transfer' in the category of Sub-Inspector of Police (Civil) and the claim was traceable to Rule 15(c) of the erstwhile 1959 Rules referred to above. In ***W.P.No.22176 of 2006 and batch,*** the claim for seniority was by Armed Reserve Sub-Inspectors of Police appointed as Sub-Inspectors of Police

(Civil) as ‘direct recruits’ in open competition. The concession by the learned Special Government Pleader in that case was not traceable to any Rule and on the contrary, the concession runs contrary to Rule 15(a) of the erstwhile Rules, Judgement of Hon’ble Supreme Court in **K. Rajaiah**’s case (1 supra) as well as the Judgement in ***E. Shankar Reddy***’s case (2 supra).

19. Eventually, a Division Bench of this Court in W.P.No.24641 of 2014 and W.P.No.1094 of 2016 vide Judgement, dated 22.09.2016 passed a detailed Judgement on merit after taking into consideration the erstwhile Rules, Judgement in ***E. Shankar Reddy***’s case (2 supra), the concession in W.P.Nos.22176 of 2006 and batch, the dismissal of SLPs and the Judgement of Hon'ble Supreme Court in ***K. Rajaiah****’s case* (1 supra) and rejected the claim of the direct recruit Sub-Inspector of Police (Civil) for counting his seniority from the date of his initial appointment as Armed Reserve Sub-Inspector of Police (ARSI). The Paragraphs 32, 33 and 34 thereof are extracted below;

> *"32. So, from a plain reading of Rules 15 (a) and 15 (c) of the Special Rules as also the law as laid down by the Coordinate Bench in E. Shankar Reddy (supra), which followed the Hon"ble Apex Court judgment in K. Rajaiah (supra), it is settled that in the case of direct recruitment, the seniority shall be from the date of the appointment in that grade, class or category of service. So, it is settled that,*

(i) a person who was already working on the post of RSI but applied for the post of SI of Police (Civil), in the process for direct recruitment and got selected and appointed to the post of SI of Police (Civil), his seniority shall be determined under Rule 15 (a) from the date of his appointment on the post of SI of Police (Civil). The past service rendered as RSI and the seniority on that post shall not be available nor counted on appointment on new post of SI of Police (Civil) pursuant to the direct recruitment, and

(ii) when it comes to the appointment of RSI, in service, to the post of SI of Police (Civil) by way of transfer permissible under Rule 2 of the Rules, under the quota prescribed, for that, Rule 15 (c) comes into play for determination of seniority and in view thereof, the appointment by transfer to SI of Police (Civil) shall not be the first appointment, so as to attract Section 15 (a). His seniority or past service on the post of RSI has been saved for the purposes of determination of seniority by creating a legal fiction that his appointment is not the first appointment.

33. The respondents" case, on which there is no dispute, is not the case of appointment by transfer. It is an appointment on the post of SI of Police (Civil) through direct recruitment.

34. We are therefore of the view that the respondents are not entitled for counting of their past services on the post of RSI for the purposes of seniority to the post of SI of Police (Civil) on which post they have been recruited directly through the direct recruitment process."

20. In the light of the above, neither under the present Governing Rules i.e., The Andhra Pradesh Police (Civil) Subordinate Services Rules, 1999 and erstwhile Rules i.e., The A.P. Police Subordinate Service Rules, 1959, the direct recruits cannot seek to count their seniority in the former cadre.

21. ***Result:*** In the light of the above mentioned reasons, there are no merits in the Writ Petitions and accordingly dismissed. No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

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NYAPATHY VIJAY, J

Date: 13.11.2026

IS

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION Nos.6486, 6832, 7271, 7272, 7276, 7277, 7278, 7280, 7332, 7334, 7540, 8142, 8143, 8144, 8145, 8173, 8176, 8812, 8814, 8815, 8816, 8828, 8830 and 8831 of 2025

Date: 13.11.2026

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