APHC010153062020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 9444/2020

Between:

1. BHUPATHI GUNASUNDARI, D/O. LATE SANKARA RAO, HINDU, AGED 28 YEARS, R/O. R AND B OFFICE, NEAR COLLECTORS OFFICE, SRIKAKULAM DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, COLLECTORATE OFFICE, SRIKAKULAM, SRIKAKULAM DISTRICT
3. THE DIVISIONAL REVENUE OFFICER, SRIKAKULAM DISTRICT, SRIKAKULAM
4. THE ADMINISTRATIVE OFFICER, OFFICE OF THE COLLECTOR, SRIKAKULAM DISTRICT, SRIKAKULAM
5. NAVIRI ROJA, W/O ETCHERLACHANTI BABU, RAPAKA (VILLAGE) POST, PONDURU MANDAL SRIKAKULAM-532001, SRIKAKULAM DISTRICT

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in issuing revised merit list dt.20.03.2020 showing the name of the 5th respondent in Sr.No.1 instead of the petitioner herein women category to the Junior Accountant post is illegal, arbitrary and in violation of Principles of Natural Justice and set aside the same and consequently direct the respondents to declare the petitioner as eligible to be appointed as Junior Accountant in the revised merit list and appoint the petitioner herein as Junior Accountant and call for records and pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court

may be pleased to Stay the revised merit list dt.20.03.2020 issued by the respondents pending disposal of the above writ petition and pass

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 29.05.2020 in W.P. No. 9444 of 2020 and dismiss the Writ Petition and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dt:29.05.2020 in W.P.No.9444 of 2020 and dismiss the Writ petition as devoid of merits and pass

Counsel for the Petitioner:

1. N ANULA

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. Y SUBBA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.9444 of 2020

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> "….to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in issuing revised merit list dt.20.03.2020 showing the name of the 5th respondent in Sr.No.1 instead of the petitioner herein women category to the Junior Accountant post is illegal, arbitrary and in violation of Principles of Natural Justice and set aside the same and consequently direct the respondents to declare the petitioner as eligible to be appointed as Junior Accountant in the revised merit list and appoint the petitioner herein as Junior Accountant and call for records and pass such other order or orders…"

2. The District Collector and Chairman, District Selection Committee, Srikakulam, issued notification dated 31.07.2017 for limited recruitment in Subordinate Offices for Scheduled Caste/ Scheduled Tribe backlog vacancies for different posts. The petitioner had applied for the post of Junior Accountant and she secured 76.90 marks. The 5th respondent had applied for the post of Junior Assistant and she secured 84 marks. In the tentative merit list for the post of Junior Accountant, the petitioner was shown as selected candidate. However, the petitioner name was not found in the final merit list instead the 5th respondent was shown. Questioning the same, the present Writ Petition is filed.

3. The learned counsel for the petitioner would submit that the petitioner filed an application dated 21.03.2020 to obtain information under the Right to Information Act regarding the application filed by the 5th respondent to the post of Junior Accountant. However, the Information Officer has not provided the information as sought by the petitioner. That itself indicates that the 5th respondent has not applied for the post of Junior Accountant and it is emphatically argued although the 5th respondent has not applied for the post of Junior Accountant, the 5th respondent was shown selected for the post of Junior Accountant. Hence, prayed to set aside the appointment given to the 5th respondent and consequently, prayed to appoint the petitioner in the said post.

4. Both learned counsel appearing for official and unofficial respondents filed their counter-affidavits and argued that the 5th respondent had applied for both posts i.e., for the post of Junior Accountant and for Junior Assistant. However, the application submitted for the post of Junior Accountant is not available and the application filed for the post of Junior Assistant is treated as an application for the post of Junior Accountant. Pursuant to that, both learned counsel urged this Court to dismiss the writ petition, as the 5th respondent stood in the merit in selection list rather than the petitioner and prayed to confirm the appointment given to the 5th respondent.

5. This Court has directed the official respondents to produce the record of selection process of filling up of backlog vacancies, pertaining to notification dated 31.01.2017.

6. Accordingly, a photostat copy of the record is placed before this Court. Upon perusal of the record, it appears that the 5th respondent had applied twice for the same post i.e., for the post of Junior Assistant and there is no such application for the post of Junior Accountant. In the absence of any documentary evidence, oral arguments of the learned counsel for the respondents cannot be accepted.

7. Though the respondents are able to produce the documents relating to the applications submitted by the 5th respondent for the post of Junior Assistant, they have failed to produce any application submitted by the 5th respondent for the post of Junior Accountant. In the absence of such documentary evidence, the oral contention of the learned counsel for the respondents that the application submitted for the post of Junior Assistant should be treated as an application for the post of Junior Accountant cannot be accepted. The notification does not permit a candidate to submit a single application for two different posts and the notification does not allow an application submitted for one post can be treated as an application for another post.

8. The official respondents have filed counter-affidavit stating that the 5th respondent application was seen to the post of Junior Assistant,

but not to Junior Accountant. It was happened due to technical mistake in the website.

9. As the 5th respondent had not applied for the post of Junior Accountant, the 5th respondent cannot be shown in the merit list for the post of Junior Accountant. The petitioner was shown as selected in the tentative list.

10. Hence, the present Writ Petition is allowed with following directions:

a) The respondent authorities are directed to appoint the petitioner forthwith as Junior Accountant pursuant to notification dated 31.07.2017, failing which appropriate action will be taken against respondent authorities.

b) The appointment of the petitioner shall be deemed to have been appointed on the earliest of the date where the other candidates were appointed in pursuant to Notification dated 31.07.2017.

c) The probation of the petitioner shall be considered on par with other candidate appointed in pursuant to Notification dated 31.07.2017.

d) The seniority of the petitioner shall be reckoned from such deemed date of appointment and not from the actual date of appointment.

e) However, the respondent authorities are further directed that, if there are any backlog vacancies, consider the case of respondent No.5 for appointment.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 02.11.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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