APHC010434942026

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

SUNDAY, THE 6th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 23593 OF 2026

Between:

1. Vasa Nagesh, S/o Satyanarayana (Late), Aged about 56 Years, Occ Superintendent Sri Venkateswara Swamy vani Devasthanam, Dwarka Tirumala, Eluru District, presently on deputation working at Sri Tirupatamma Ammavari Devasthanam, Penuganchiprolu, NTR District

...Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Endowments) Dept., Secretariat, Velagapudi, Amaravathi. 522237

2. The Commissioner, Endowments Department, A.P. Gollapudi, Vijayawada. 521225

3. Sri Venkateswara Swamy vani Devasthanam, Dwarka Tirumala, Eluru District, 534426 Represented by its Executive Office

...Respondents

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 an appropriate Writ order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in issuing the proceedings in Rc.No.B1/125709/2/2026 dated 11.08.2026, rejecting the claim of the petitioner for granting promotion to the cadre of Assistant Executive Officer on the ground of pendency of Criminal Case registered vide Crime No.3/RCA-EWG/2023 of ACB, Eluru Range Police Station dated 29.04.2023 as bad, illegal, arbitrary, punitive, violative of Articles 14, 16 the same and direct the 3rd respondent to grant promotion to the petitioner to the post of Assistant Executive Officer in the 3rd respondent temple without reference to pendency of criminal case registered vide F.I.R No. 03/RCA- EWG/2023 dated 29.04.2023

IA NO: 1 OF 2026

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 direct the 3rd respondent to consider the case of the petitioner for promotion to the post of Assistant Executive Officer in the 3rd respondent temple without reference to the pendency of criminal case registered vide FIR No. 03/RCA-EWG/2023 dated 29.04.2023

Counsel for the Petitioner: D V SASIDHAR

Counsel for the Respondents: PULIPATI RADHIKA Counsel for the Respondents: GP FOR SERVICES II

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.23593 of 2026

O R D E R**:**

This writ petition is filed questioning the action of Respondent No.3 in rejecting the claim of the Petitioner for grant of promotion to the post of Assistant Executive Officer on the ground of pendency of criminal case registered vide Crime No.3/RCA-EWG/2023 of ACB, dated 29.04.2023 of Eluru Range Police Station as illegal and arbitrary.

2. Petitioner was initially appointed as an Attender on 08.10.1988. Subsequently, he was promoted as Record Assistant, Junior Assistant and Superintendent. While so, on 29.04.2023, disproportionate assets criminal case was registered by ACB, Eluru and the Petitioner was placed under suspension on 09.05.2023 while he was working in Durga Malleswara Swamy Temple, Vijayawada. Questioning the same, the Petitioner filed W.P.No.351 of 2024 before this Court and pursuant to the interim orders of this Court dated 12.01.2024, Petitioner was reinstated into service on 13.04.2024 and posted at Respondent No.3-temple. Petitioner now claims for promotion to the post of Assistant Executive Officer and the same was rejected by the impugned order on the ground of pendency of criminal case. Hence, this writ petition.

3. The counter affidavit filed by Respondent No.3 reiterates the said fact that the case of the Petitioner was not considered for promotion to the post of Assistant Executive Officer on account of pendency of criminal case.

4. Learned counsel for the Petitioner would submit that no charge sheet is filed nor any departmental proceedings are initiated in the criminal case and therefore, denial of promotion to the Petitioner on mere registration of criminal case cannot be sustained. In support of this contention, reliance was placed on G.O.Ms.No.66 dated 30.01.1991.

5. Learned Standing Counsel for Respondent No.3 submits that G.O.Ms.No.66 dated 30.01.1991 is only enabling the authorities to consider the case of the persons, against whom criminal cases are registered, pending investigation for promotion and that would not mean that Petitioner would be automatically be entitled for promotion.

6. Heard the counsels.

7. Consideration of an individual for promotion is not a bar when charge sheet is not filed as per G.O.Ms.No.66 dated 30.01.1991, but that does not mean that the person can automatically be promoted. The appointing authority taking note of the overall fitness of the Petitioner can take a decision for promotion of the Petitioner after taking note of the criminal case.

8. Therefore, the writ petition is disposed of with the following directions:

(i) The Respondents shall examine the case of the Petitioner for promotion taking note of the overall fitness to be promoted as Assistant Executive Officer within a period of four (4) weeks from the date of receipt of a copy of this order.

(ii)There shall be no order as to costs.

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

NYAPATHY VIJAY, J

Date: 06.10.2026
KLP/VSR