APHC010576402026

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 31514 OF 2026

Between:

N GOPALA KRISHNA, S/o. late Ramulu, Aged about 47 years, Occ Police Constable (PC -9609) (Civil), 0/o. Women Police Station, Eluru, Rio. D. No. 25-5-25A, MagantivariVeedhi, Gandhi Bomma Road, R.R. Peta, Eluru, Eluru District, Formerly West Godavari District -534001.

...Petitioner

AND

1. The State Of Andhra Pradesh, rep by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravathi, Guntur District-522237.

2. The Deputy Inspector General of Police, Eluru Range, Eluru, EluruDistrict.-534006.

3. The Superintendent of Police, Eluru, Eluru District-534001.

...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 respondents not considering the petitioner claim for promotion to the post of Head Constable without reference to Criminal Case vide C.C. No. 1200 of 2021 on the file of Hon'ble II Addl Judicial Magistrate at Eluru in terms of G.O.Ms.No. 257, General Administration (Ser.C) Department, dated 10.06.1999as highly illegal, arbitrary, unjust, discrimination, unconstitutional and violation of Article 14, 16 and 21 of the Constitution of India and contrary to the orders of this Hon'ble Court and consequentially direct the respondents to promote the petitioner as Head Constable in terms of G. 0. Ms. No. 257, General Administration (Ser.C) Department, dated 10.06.1999 with all consequential benefits.

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 respondents to consider the petitioner claim for promotion to the post of Head Constable in terms G. 0. Ms. No. 257, General Administration (Ser.C) Department, dated 10.06.1999, pending disposal of the above writ petition.

Counsel for the Petitioner: K SRINIVASA PRASAD

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No. 31514 of 2026

ORDER :

This Writ Petition is filed questioning the action of Respondents in not considering the Petitioner for promotion to the post of Head Constable (Civil) without reference to the Criminal Case vide C.C.No.1200 of 2021 on the file of II Additional Judicial Magistrate, Eluru, as per G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999, as illegal and arbitrary.

2. The Petitioner was initially appointed as a Police Constable on 04.11.2009 and has been discharging duties with utmost satisfaction. It is stated that now he is eligible and qualified for promotion to the post of Head Constable. While so, a Criminal Case was filed vide C.C.No.1200 of 2021 on the file of II Additional Judicial Magistrate, Eluru, against the Petitioner and 10 other Police Officials and the said Criminal Case is pending.

3. While so, the promotion for the post of Head Constable is being considered and the apprehension of the Petitioner is that his case would not be considered for promotion in view of the pendency of Criminal Case. In that context, the present Writ Petition was filed.

4. Learned Assistant Government Pleader would contend that the Petitioner's case would be considered in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999.

5. Heard Sri K. Srinivasa Prasad, learned counsel for Petitioner and learned Assistant Government Pleader for Home Department.

6. This Court is of the opinion that the case of the Petitioner for the post of Head Constable should be considered in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999 and the Writ Petition is disposed of with the following directions:

i) The Respondents are directed to consider the Petitioner's case for promotion to the Post of Head Constable, in terms of G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999, taking note of the gravity of charges alleged against the Petitioner in the criminal case.

ii) There shall be no order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 30.10.2026

KKV/VSR