



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

**[3460]**

FRIDAY, THE EIGHTH DAY OF MAY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION NO: 7679/2025**

**Between:**

1. PENNABADI AMARANATH REDDY, S/O. P. JAGANMOHAN REDDY, AGED 45 YEARS, UNEMPLOYEE, R/O. VUTUKURUVANDLAPALLI, BALA TIMMAYYAGARI PALLI POST, CHAKRAYAPET MANDAL, YSR KADAPA DISTRICT-516259.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, GENERAL ADMINISTRATION DEPARTMENT, SECRETARIAT, VELGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH.

2. THE ANDHRA PRADESH PUBLIC SERVICE COMMISSION, REP. BY ITS SECRETARY, R AND B BUILDING, 2ND FLOOR, M.G.ROAD, BANDAR ROAD, OPP. INDIRA GANDHI MUNICIPAL COMPLEX, VIJAYAWADA.

**...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 direction, more particularly one in the nature of a Writ of Mandamus, declaring the Memo.No.GAD03-NTFORT(GR1)/2022-GRP-1 (Comp.No.

1866514), Dt. 16.08.2024 issued by the 2nd Respondent Commission as illegal, arbitrary, and violative of Articles 14, 16, and 21 of the Constitution of India and consequently direct the 2nd respondent Commission to give effect to the opinion of the Two Member Expert Committee to conduct interview and thereafter send appropriate proposals for creation of supernumerary post if so required in terms of the Letter No.2308024/SER-A/A2I2023-2, Dt.29.02.2024 of the 1st respondent Government addressed to the 2nd respondent Commission and to take consequential proceedings for selection of the petitioner and pass

**IA NO: 1 OF 2025**

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 direct the 2nd respondent Commission to reconsider the case of the petitioner in terms of Letter No.2308024/SER-A/A2I2023-2, Dt.29.02.2024 of the 1st respondent Government by suspending the impugned Memo.No.GAD03-NTFORT(GR1)/2022-GRP-1 (Comp.No. 1866514), Dt.16.08.2024 issued by the 2nd Respondent Commission, pending disposal of this writ petition and pass

**Counsel for the Petitioner:**

1.MANOJ KUMAR BETHAPUDI

**Counsel for the Respondent(S):**

1.G.SEENA KUMAR SC For APPSC

2.GP FOR SERVICES I

**The Court made the following:**

**HON'BLE SRI JUSTICE NYAPATHY VIJAY****W.P.No.7679 of 2025****O R D E R:**

The present writ petition is filed seeking to declare Memo No.GAD03-NTFORT(GR1)/2022-GRP-1 (Comp.No.1866514), dated 16.08.2024 issued by Respondent No.2-APPSC as illegal and arbitrary.

2. The facts leading to filing of this writ petition are as follows:

The Respondent No.2-APPSC had issued notification No.39 of 2008 and a supplementary notification No.10 of 2009 for recruitment of posts under Group-I services. The Petitioner had applied for the same with Hall Ticket No.11818559 and was successful in the preliminary examination. Petitioner states that he had also fared well in the main examinations and was expecting a call for interviews. However, the Petitioner was not called for the interview. Thereafter, interviews were conducted in May, 2012 and a list of qualified candidates were displayed by APPSC on 12.05.2012. Respondent No.2-APPSC, as per its practice, does not disclose the marks of the candidates till the selections are finalized and the Petitioner could secure the marks

obtained by him in the five papers of the main examination only on 12.05.2012. In the five papers in the main examination, the Petitioner secured 88, 83, 97 and 130 marks insofar as Paper Nos.I, II, III and V. As regards Paper-IV (Science and Technology), the Petitioner secured only 49 marks. Immediately, the Petitioner submitted a representation on 15.05.2012 requesting the APPSC to examine the issue regarding Paper-IV and re-evaluate or recount the marks in respect of the said paper. As there was no response, the Petitioner had requested the APPSC under Right to Information Act to furnish copies of answer sheets and a direction was given by the Appellate Authority under the said Act on 14.03.2013 to permit inspection of the answer script. However, the APPSC did not permit the Petitioner to inspect the answer script as the issue regarding recruitment was pending before the Hon'ble Supreme Court.

3. After disposal of the case before the Hon'ble Supreme Court, the answer script was given to the Petitioner. On perusal of the answer script, the Petitioner was awarded only 2 to 3 marks for questions which carry 10 marks and for one question, '0' marks were awarded. The Petitioner then filed another representation to the APPSC on 01.04.2016 for re-evaluating the

answer sheets. As there was no response, the Petitioner filed O.A.No.1452 of 2016 before the erstwhile Andhra Pradesh Administrative Tribunal at Hyderabad to call for the answer scripts of the Petitioner and other students and to constitute a committee of professors to evaluate the answer script of Paper-IV and to conduct interviews. The O.A was dismissed on 28.04.2017.

4. Thereafter, Petitioner filed W.P.No.32196 of 2017 before the common High Court at Hyderabad and the same was dismissed as withdrawn on 21.09.2017 with liberty to file review before the Tribunal. The Petitioner then filed Review M.A.(SR)No.5139 of 2017 before Andhra Pradesh Administrative Tribunal and the Office Objection was placed before the Court, which was upheld vide orders dated 07.12.2017. Thereafter, Petitioner filed W.P.No.11385 of 2019 and W.P.No.19420 of 2020 respectively against the order rejecting the review and questioning the final order in O.A.No.1452 of 2016. W.P.No.19420 of 2020 filed questioning the order in O.A.No.1452 of 2016 was dismissed and W.P.No.11385 of 2019 was closed as no further orders were required to be passed. The Review I.A.No.1 of 2021 in W.P.No.19450 of 2020 was also dismissed on 10.12.2021.

5. Petitioner, thereafter, filed SLP.Nos.4484, 4485 and 4486 of 2022 questioning the orders in two writ petitions as well as Review I.A.No.1 of 2021 in W.P.No.19450 of 2020. The said SLPs were dismissed at the admission stage on 28.03.2022.

6. Convinced that injustice was meted out, the Petitioner, thereafter, gave a representation on 14.09.2022 to APPSC requesting for correction of errors crept in evaluation of his answer sheet. As there was no response, Petitioner filed W.P.No.14122 of 2023 and the said writ petition was disposed of by order dated 16.06.2023 with a direction to the APPSC to consider the representation of the Petitioner. As the directions were not adhered to by the APPSC, Petitioner filed C.C.No.5850 of 2023.

7. During the pendency of the contempt case, the APPSC addressed a letter on 15.12.2023 corresponding to the injustice caused to the Petitioner with regard to the evaluation of Paper-IV to the State Government. In response, the State Government addressed a letter dated 26.12.2023 to furnish specific proposals in that regard. APPSC submitted a detailed narration of the case of the Petitioner and sought for necessary direction and guidance.

8. Thereafter, the State Government addressed a letter on 29.02.2024 permitting the APPSC to take further action on the recommendation of the expert committee for conducting the interview. In spite of the letter, the Petitioner was informed by the APPSC vide Memo No.GAD03-NTFORT(GR1)/2022-GRP-1 (Comp.No.1866514), dated 16.08.2024 that his representation cannot be considered and is rejected. In the light of the same, the contempt case was closed leaving it open to the Petitioner to challenge the Memo dated 16.08.2024. Hence, the present writ petition.

9. It is pleaded that APPSC, having found the errors and blunders kept in evaluation of Paper-IV, appointed a third-party expert committee comprising of three (3) professors and found that there was an oversight in evaluation and missed in awarding marks for some part of the answers and the committee had opined that the Petitioner got less marks in Paper-IV and the claim of the Petitioner regarding less marks in Paper-IV was justified. In the light of the findings of three (3) member committee, the APPSC took a decision on 20.09.2023 to engage a committee consisting of two (2) experts to re-evaluate the paper and submit results for taking further action. As per the evaluation

of the two (2) experts, the Petitioner was in the zone of consideration for interview as per the letter dated 15.12.2023 addressed by APPSC to the Government. It is in that context, the impugned memo was sought to be set aside and further relief was sought to give effect to the evaluation of the expert committee consisting of three (3) professors and the second expert committee of two experts.

10. In the counter affidavit filed by Respondent No.1-State, it is stated that the terms and conditions of recruitment are governed by Notification No.39 of 2008 r/w Supplementary Notification No.10 of 2009 and the APPSC Rules and Regulations. It was pleaded that the Petitioner's grievance regarding Paper-IV was the subject matter of several rounds of litigation over the decade and the dismissal of SLP Nos.4484, 4485 and 4486 of 2022 on 28.03.2022 had given finality to the rejection of the request of the Petitioner and therefore, it is not open to the Petitioner to re-agitate the issue by filing W.P.No.14122 of 2023.

11. Despite the same, a three-member expert committee was constituted to enquire into the grievance of the Petitioner in relation to Paper-IV and they had submitted a report noting

certain errors in the valuation of Paper-IV and based on the same, APPSC opined that the Petitioner might enter into the zone of consideration for interview, if the revised marks suggested by the committee were acted upon. However, as there is only a single evaluation process in the notification and Para 11(3) of the Notification and Rule 3 (ix) of the Rules of Procedure categorically prohibited revaluation and in those circumstances, the APPSC could not give effect to the recommendation to the three-member committee and referred the issue to the Government for guidance.

12. In response, the State Government had permitted the APPSC to take further action in the matter and based on the recommendations of the expert committee, sent appropriate proposals for creation of supernumerary posts for further consideration. It is further stated that the correspondence regarding creation of supernumerary posts in the letters addressed by the Government are hypothetical and conditional, subject to the APPSC taking a lawful decision within its competence at the first instance.

13. It was further stated that if a case for revaluation is allowed,

the same would set as a precedent for other cases and floodgates would be opened regarding similar writ petitions of recruitment of the past and future. It is stated that after reference to the rules and regulations, APPSC cannot grant relief, as the APPSC has no power vested to consider the request of the Petitioner considering paragraph 11(e) of Rule 3 (ix) of the Rules of procedure and the judgments in previous round of litigation at the instance of the Petitioner.

14. Heard Sri M.Vijay Kumar, learned counsel for Sri Manoj Kumar Bethapudi, learned counsel appearing for Petitioner, Sri S.Raju, learned Assistant Government Pleader for Services-1 and Sri G.Seena Kumar, learned standing counsel for APPSC.

15. This Court after hearing the respective counsel directed the APPSC to produce the answer script as well as the opinion of the two committees which examined the Paper-IV of the Petitioner. Pursuant thereto, the said documents were furnished to the Court in sealed covers.

16. The trigger to this round of litigation is the order passed by this Court in W.P.No.14122 of 2023 directing the APPSC to consider the representation of the Petitioner for correcting errors

in Paper-IV of the notification. The issue would have hit a dead end, if the APPSC had rejected the representation of the Petitioner, citing the previous round of litigation.

17. But, the APPSC curiously constituted a three (03) member committee consisting of Prof. T.Byragi Reddy, Andhra University, Prof. T.Damodharam, Sri Venkateswara University and Prof. S.Bala Prasad, Andhra University. This committee examined the Paper-IV of the Petitioner and opined that there are anomalies in awarding of marks and it was felt that the answers are suitable to get more marks. The relevant part of the report is extracted below:

*“6. The candidate’s answers to the 15 questions are pertinent and entitled to score marks more than the already awarded marks of 49 (total marks to all the answers). **The marks to the candidates answers to the questions attempted will be around 80 marks.***

*Finally, the committee opined that the candidate’s claim of getting/awarding less marks in the “Science and Technology” paper is justifiable.”*

18. Thereafter, APPSC again constituted a two (02) member committee consisting of Prof.K.T.Ramakrishna Reddy and

Dr.P.Brahmaji Rao pursuant to the meeting on 20.9.2023. The two (02) member committee after evaluating the Paper-IV, individually awarded 119 marks and 123 marks, respectively.

19. In effect, the Paper-IV of the Petitioner was evaluated on three different occasions and the marks awarded vary substantially. For easy understanding, they are tabulated below;

<i>(i) Original evaluation</i>	<i>:49 marks</i>
<i>(ii) First Committee (3 members)</i>	<i>:80 marks</i>
<i>(iii) Two (2) member committee</i>	<i>: 119/123 marks.</i>

20. Firstly, when there is substantial variance in revaluations, it would not be safe to rely on such valuations for issuance of a writ of mandamus.

21. Secondly, the very constitution of committees for revaluation of Paper-IV of the Petitioner was running contrary to the common order of this Court in W.P.Nos.19420 of 2020 and 11385 of 2019 dated 03.12.2020. The Division Bench of this Court had considered the plea of the Petitioner for re-examination in detail in the common order and rejected the same after placing reliance on the judgments of the Hon'ble Supreme Court in

***Pramod Kumar Srivastava v. Bihar Public Service Commission<sup>1</sup>, Himachal Pradesh Public Service Commission v. Mukesh Thakur and another<sup>2</sup>, Ran Vijay Singh and others v. State of Uttar Pradesh and others<sup>3</sup>*** which prohibited re-valuation. The relevant portion of the order is extracted below:

*“24) From the judgments referred to above, it is very clear that the request of the Petitioner for re-valuation of answer sheet cannot be considered, more so, having regard to the fact that the Notification itself prohibits re-evaluation or recounting. Further, it is not a case falling under exceptional circumstances warranting re-valuation. As stated earlier, the main plea of the Petitioner was on technicalities, namely, whether the answer paper requires to be processed by Examiner-II also, which has been answered in paras 13 to 15 of this judgment.*

*25) Viewed from any angle, we see no merit in the Writ Petition No. 19420 of 2020 and the same is liable to be dismissed.”*

22. Though the said judgment was confirmed by the Hon’ble Supreme Court, the APPSC made a mockery of the adjudication by constitutional courts, Rule 3 (ix) of the Rules and the

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<sup>1</sup> (2004) 6 SCC 714

<sup>2</sup> (2010) 6 SCC 759

<sup>3</sup> (2018) 2 SCC 357

notification itself prohibiting re-valuation, by constituting an expert committee after expert committee.

23. Even assuming for the sake of arguments that revaluation is permissible in exceptional cases, the three (3) member committee which was constituted for the first time had examined the answer sheet of the Petitioner and awarded approximately 80 marks. There was no possibility of revaluation for the third time, yet the APPSC acting as though they are not bound by law, again constituted a two (2) member committee, which awarded 119-123 marks. There is no satisfactory answer from the APPSC as to the requirement of constituting a two (2) member committee for re-evaluating the Paper-IV of the Petitioner for the third time.

24. It is quite apparent that the constitution of two (2) member committee to re-evaluate the Paper-IV of the Petitioner for the third time appears to be customised with an intent to bring the Petitioner within the zone of consideration for appointment. The communication from APPSC to the Government and this round of litigation projecting injustice to the Petitioner etc., is based only on the marks awarded in the third evaluation, and the marks awarded by the (03) member expert committee were conveniently

suppressed.

25. Therefore, this Court does not find any flaw in the impugned orders and accordingly, the writ petition is dismissed with costs of Rupees Fifty thousand (Rs.50,000/-) payable to the Chief Justice Relief Fund by the Petitioner. The costs shall be paid within a period of (04) weeks from date of receipt of the order copy.

26. Registry is directed to return the original papers in the writ petition to APPSC in a sealed cover.

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

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**NYAPATHY VIJAY, J**

Date: 08.05.2026  
KLP