

HIGH COURT OF ANDHRA PRADESH

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W.P.Nos.19384 of 2021 & 5774 of 2026

DATE OF JUDGMENT PRONOUNCED: **27.07.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY,J

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

NYAPATHY VIJAY,J

***THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

+ W.P.Nos.19384 of 2021 & 5774 of 2026

% 27.07.2026

W.P.No.19384 of 2021

Between:

R. Thimmappa, S/O. (Late) R.M.Prakasam,
Age- 36 Years, OCC- Junior Asst., O/O. Dist Panchayath Officer
Kurnool, Collectorate Complex, Kurnool,
Kurnool District

...Petitioner

And

The District Panchayat Officer,
Kurnool, Kurnool District and others.

...Respondent(S)

Counsel for the Petitioner : Sri Gajjala Mallikarjuna Reddy

Counsel for the Respondent(S): G.P. for Services -IV

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> Head Note:

? Cases Referred:

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010322082021



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

[3460]

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19384/2021

Between:

1.R. THIMMAPPA,, S/O. (LATE) R.M.PRAKASAM, AGE- 36
YEARS, OCC- JUNIOR ASST., O/O. DIST PANCHAYATH
OFFICER KURNOOL, COLLECTORATE COMPLEX,
KURNOOL, KURNOOL DISTRICT

...PETITIONER

AND

- 1.THE DISTRICT PANCHAYAT OFFICER, KURNOOL, KUNOOL DISTRICT.
- 2.THE COMMISSIONER OF PANCHAYATH RAJ, FOR THE STATE OF ANDHRA PRADESH, D.NO.12-47, P.V.S.EMPIRE NEAR PRATUR CROSS ROAD, TADEPALLI, GUNTUR DISTRICT.
- 3.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, PANCHAYATH RAJ DEPARTMENT, SECRETARIAT, VELGAPUDI, GUNTUR 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 topleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, A) To declare the entire action of the respondents, particularly the entire action of the 1st respondent in issuing the present impugned proceedings Roc No.1898/pts/A1/2019 dated 08.07.2020 wherein revising the date of regularization of the petitioner from 06.12.2017 to 05.12.2019 and declaration of probation on that revised date basis by way of modification even without putting any prior notice is as highly illegal, arbitrary, unjust, improper, without jurisdiction, clear violation of all principles of natural justice, contrary to Rule 23 of AP State and Sub-Ordinate Service Rules r/w Division Bench Judgment decided between Y. Prakasham vs. Dy.Inspector General of Registration and Stamps 2000 (3) SLR 86 as well as order of APAT in O.A. No. 5386/ 2013 dated 13.06.2014 r/w Division Bench judgment in WP No.831/2002 dated 29.01.2004 and set aside or quash the same. B) And consequently to direct the respondents to regularize the services of the petitioner in the cadre of Jr. Assistant w.e.f from 06.12.2017 and declare his probation on that basis by further holding that the earlier regularization proceedings issued by the 1st respondent vide proceedings No.1898/pts/A1/2020 dated 12.02.2020 holds good for all the purposes i.e., for the purpose of seniority, further promotions including other allied service benefits and to pass

IA NO: 1 OF 2021

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 respondents to consider the case of the petitioner for promotion to the post of Senior Assistant in the existing vacancies by duly suspending the operation of present impugned procds Roc No.1898/pts/A1/2019 dated 08.07.2020 of the 1st respondent and to pass

Counsel for the Petitioner:

1. GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

WRIT PETITION NO: 5774/2026

Between:

- 1.RAMPOGU THIMMAPPA,, S/O LATE RAMPOGU PRAKASHAM, AGED ABOUT 39 YEARS, OCC JUNIOR ASSISTANT, O/O DISTRICT PANCHAYAT OFFICER, KURNOOL, R/O H.NO. 46/163/12F-A, BUDHAWARAPETA, KURNOOL - 518002, ANDHRA PRADESH.

...PETITIONER**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI-522237.
- 2.THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT TADEPALLI, GUNTUR DISTRICT, ANDHRA PRADESH-522502.
- 3.THE DISTRICT COLLECTOR, KURNOOL DISTRICT, ANDHRA PRADESH-518002.
- 4.THE DISTRICT PANCHAYAT OFFICER, KURNOOL DISTRICT, ANDHRA PRADESH-518002.

...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 may be pleased to issue a Writ, Order or Direction, more particularly a Writ of Mandamus, consider the case of the petitioner for promoting as senior assistant. basing on the Representations dated 14-07-2020 08-01-2024, 25-08-2025,18-02-2026, submitted to the respondents 2 to 4 pending the disposal of the writ petition on the file of the Honble High court, and pass such other order or orders may deem fit and proper in the circumstances of the case.and pass such

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 may be pleased to direct the respondents to reserve one (01) post of Senior Assistant in the on ongoing promotion process in the erstwhile Kurnool District pending disposal of the Writ Petition and Direct the respondents not to finalize the promotions to the cadre of Senior Assistant without reserving one post for the petitioner, subject to the result of the Writ Petition pending disposal of the above writ petition and pass such

Counsel for the Petitioner:

1.M. SAPTHAGIRI

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.Nos.19384 of 2021 and 5774 of 2026****COMMON ORDER:**

W.P.No.19384 of 2024 is filed questioning the proceedings dated 08.07.2020 revising the date of regularization from 06.12.2017 to 05.12.2019 as illegal and arbitrary.

2. W.P.No.5774 of 2026 is filed seeking consideration of the case of the Petitioner for promotion to the post of Senior Assistant basing on his representations.

3. Petitioner was appointed as Junior Assistant on compassionate grounds by the District Panchayat Officer, Kurnool on 07.11.2017 with a condition to acquire degree qualification within a period of five (5) years from the date of appointment. Petitioner pursued the degree and acquired degree qualification on 10.12.2019.

4. The appointment of the Petitioner was initially regularized with effect from 06.12.2017 vide proceedings dated 11.02.2017. Vide impugned proceedings dated 08.07.2020, the regularization of the Petitioner was modified from 06.12.2017 to 10.12.2019 i.e.

the date of acquisition of qualification. Hence, W.P.No.19384 of 2021 is filed on the ground that the Petitioner is entitled for regularization with effect from the date of initial appointment i.e. 07.11.2017.

5. Heard learned counsel for both the counsel.

6. The educational qualification for the post of Junior Assistant as per A.P.State Ministerial Service Rules, 1998 is graduation and the relevant portion is extracted below:

1	2	3
<i>Junior Asst. In the Offices other than Heads of Depts. And Directorates</i>	<i>By appointment By transfer</i>	<i><u>(a) Must hold a Bachelor's Degree of any University in India established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or any equivalent Examination.</u></i>

7. The appointment of Petitioner as Junior Assistant is on compassionate grounds on condition and as the Petitioner acquired degree qualification on 10.12.2019, the service of the Petitioner was regularized with effect from that date. The contention of the Petitioner that the service of the Petitioner is to be regularized from the date of initial appointment i.e. 07.11.2017

is to be accepted, that would amount to validating of appointment of Petitioner to the post of Junior Assistant without having requisite educational qualification. The same would be contrary to the Rule framed under proviso to Article 309 of Constitution of India. It is too well known that educational qualification to a post is an absolute requirement and no appointment can be validated without the said qualification.

8. It is also to be noted that Rule 12 of the A.P.State and Subordinate Service Rules, prohibits appointment of an individual unless he has requisite academic and other qualifications prescribed for that post. Relevant portion of Rule 12(1) is extracted below:

(i) (a) No person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority, that;

(i)

(ii)

(iii) he possess the academic and other qualifications prescribed for the post and

(iv)

(v) No person shall be eligible for direct recruitment if he is less than 18 years of age and unless otherwise specified in the special or adhoc rules and if he is more than 28 years of age as on the 1st day of July of the year in which the notification for selection to the relevant post, category or class or a service is made.

Provided that nothing in this sub-rule shall apply for direct recruitment to all the categories and posts in the Andhra Pradesh Police Subordinate Service and in the Andhra Pradesh Special Armed Police Service.

9. Taking note of the mischief, Government issued clarification vide G.O.Ms.No.151, General Administration (Services.A) Department, dated 22.06.2004 to regularise the services of individuals appointed on compassionate grounds from the date of acquiring qualification and not from the date of joining into duty. The relevant portion of the G.O. is extracted below:

According to Rule 12 of A.P. State and Subordinate Service Rules, the person to be appointed to the Public Service by direct recruitment shall possess the requisite qualification for the post to which he or she is appointed. The Compassionate appointment is by direct recruitment. The orders issued in the G.O.

fourth read above are contrary to the above rule position. In several cases, the inter-se-seniority could not be finalised as the persons appointed on compassionate grounds subject to acquiring such qualification, are acquiring the qualification at a much later date. Whereas the persons appointed as per Rules by other methods of appointment namely: by direct recruitment and by promotion/by transfer are fully qualified. Keeping this in view, the orders issued in the G.O. fourth read above have been reviewed and it is decided to consider the regularisation of services of the persons appointed on compassionate grounds and subject to acquiring qualification, only from the date of acquiring the qualification fully for the post to which they have been appointed.

10. As the impugned proceedings are in consonance with the said G.O., and the Rules referred above, this Court does not find any merit in W.P.No.19384 of 2021 and the same is dismissed.

10. W.P.No.5774 of 2026 filed for promotion is disposed of with a direction to Respondents to consider the case of the Petitioner for promotion to the post of Senior Assistant as per his seniority as fixed under the impugned order and available roster point. No order as to costs.

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

NYAPATHY VIJAY, J

Date: 27.07.2026

KLP

Note: L.R. copy be marked.