

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION (SR) No: 45133 OF 2026

ORDER:

The Writ was assigned to this Court by way of a House Motion.

2. The Writ Petition is filed for a Mandamus declaring the orders of the Respondent No.4 dated 16.10.2026 stating that he cannot implement the promotion orders issued by the Respondent No.3, not allowing him to join in the existing vacancy of Technical Assistant as illegal and contrary to the orders of the High Court in W.P.No.7566 of 2026 dated 21.09.2026, violation of Articles 14 and 21 of the Constitution of India and consequently sought direction to the Respondent No.4 to accept his joining report submitted on 16.10.2026 and allow him to do duties as Technical Assistant.

3. The learned counsel for the Petitioner submits that the G.Os and instructions relied upon by the 4th Respondent will not apply to the Petitioner as he is not doing any election work or he is not in a key position to attract the G.Os.

4. The learned counsel for the Petitioner fairly submitted that not allowing him to join the promotion post is not a violation of the orders of this Court in WP.7566 of 2026 dated 21.09.2026, and submitted the mistake crept in while drafting the Writ Petition and that his intention is that the Model Code of Conduct is not applicable in this case in view of the order of this Court, and sought to allow the Writ.

5. The learned Government Pleader for Services-II appearing for Respondents Nos.1 to 4 submits that the Writ Petitioner is not in a key position and is also not attending any election duties, but submits that the Respondent No.4 appears under the impression that transfers and postings shall not be effected without clearance of the State Election Commission and left the issue to the Court.

6. The Court perused the order in W.P.No.7566 of 2026 dated 21.09.2026, wherein his reversion to the post of Office Subordinate is set aside, the Writ is disposed of, directing to consider his case for promotion, the same is extracted here under;

“5. As the punishment/penalty imposed against the Petitioner reverting him to the post of Office Subordinate is set-aside by this Court, this Writ Petition is disposed of, with the following directions:- (i) The Respondent-Authorities are directed to consider the case of the Petitioner for promotion to the post of Tracer (Technical Assistant) in accordance with the Rules”.

7. The Writ order does not stipulate any time limit to effect the promotion. The Respondent No.3 also implemented the order of this Court by proceeding dated 14.10.2026 by promoting the Writ Petitioner as Technical Assistant, and posted to (R&B) Division, Ongole.

8. The Respondent No.4 in his letter dated 16.10.2026, observed that the Model Code of Conduct for Local Bodies Elections has come into force with effect from 14.10.2026 and there is a ban on transfers and postings of the Officials till completion of the election process, and observed that the promotion

proceedings dated 14.10.2026 could not be implemented till the end of the Model Code of Conduct.

9. As rightly contended by the learned Counsel for the Writ Petitioners, the Writ Petitioner is neither doing any election work nor in a key position to attract the G.Os, which the learned Government Pleader for Services-II appearing for Respondents Nos.1 to 4, is also fairly conceded. Thus, the 4th Respondent cannot rely on the Model Code of Conduct and issue the Letter dated 16.10.2026. Even if the Writ Petitioner falls in either of these categories, that he is doing any election work or he is in a key position, still the Model Code of Conduct does not come in the way since this promotion proceeding is issued in terms of the order of the WP No.7566 of 2026 dated 21.09.2026, and equally the question of clearance of the State Election Commission will not arise for effecting this promotion and posting, which is in terms of the order of this Court. The Orders of the Constitutional Courts bind the Executive even during the Model Code of Conduct.

10. The Writ Petition is allowed, setting aside the Letter No.Estt./EC-I/EE/R&B/OGL-2026-2027 dated 16.10.2026 of the 4th Respondent and consequently directing the Respondent No.4 to join the Writ Petitioner in the promotion post in terms of the proceedings of the Respondent No.3 dated 14.10.2026.

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

Dt: 21.10.2026
GRL/VSР

JUSTICE ALAPATI GIRIDHAR

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION (SR).No: 45133 OF 2026

Dated: 21.10.2026
GRL/VSR

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
MAIN CASE No: WRIT PETITION (SR).NO: 45133 OF 2026

PROCEEDING SHEET

Sl.No	DATE	ORDER	Office Note
	21.10.2026	<u>AGD, J</u> Writ Petition is allowed. (vide separate order) <u>AGD, J</u> GRL /VSR	