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APHC010235282021

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 13587/2021 & W.P. (AT) No.1529 of 2021

W.P. No.13587 of 2021

BETWEEN:

1. A.S. PRIYA, W/o. M. VIJAYA KUMAR, AGED ABOUT 42 YEARS, EX-CONTRACT JUNIOR LECTURER IN TAMIL, S.R.S GOVERNMENT JUNIOR COLLEGE (BOYS), PUTTUR, R/o. D.No.11-30 (UPSTAIRS), NGO COLONY, PUTTUR TOWN AND MANDAL, CHITTOOR DISTRICT, A.P., PIN CODE NUMBER - 517 583. **...PETITIONER**

AND

1. A P PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PUNNAMMATHOTA, LABBIPET, VIJAYAWADA 520 010, KRISHNA DISTRICT, A.P.
2. THE SECRETARY, A.P. PUBLIC SERVICE COMMISSION, PUNNAMMATHOTA, LABBIPET, VIJAYAWADA 520 010, KRISHNA DISTRICT, A.P.
3. STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY TO GOVERNMENT HIGHER EDUCATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, A.P.
4. THE COMMISSIONER OF INTERMEDIATE EDUCATION, GOVERNMENT OF A.P., D.No.48-18-2/A, NAGARJUNA NAGAR, OPP: NTR HEALTH UNIVERSITY, VIJAYAWADA 520 008.

5. SMT P AMMU DEVI, W/O. V. VENKATA KRISHNA, NOW AT WORKING AS JUNIOR LECTURER IN TAMIL, S.R.S GOVERNMENT JUNIOR COLLEGE (BOYS), PUTTUR 517 583, CHITTOOR DISTRICT, A.P.

6. THE REGIONAL JOINT DIRECTOR OF INTERMEDIATE EDUCATION, KADAPA REGION, D.No.1/ 267, PRAGATHIBHAVAN, KOTI REDDY CIRCLE, OPPOSITE TO ALL INDIA RADIO, KADAPA 516 001, YSR KADAPA DISTRICT, A.P. **…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 an appropriate Writ, Order or Direction, more particularly one in the nature of Mandamus declaring the action of the official Respondents in appointing the 5th Respondent as Junior Lecturer (Tamil) vide Rc.No. 1242/A1/2021, dated 09-06-2021 issued by the 6th Respondent as being arbitrary, illegal, unjust, contrary to the Order passed in W.P. No. 6555 of 2018 dated 04-10-2018 and in violation of Articles 14 and 16 of the Constitution of India and accordingly set-aside the same in the interest of justice and to pass such other order or orders.

Counsel for the Petitioner:

1. MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1. S SATYANARAYANA MOORTHY
2. G R SUDHAKAR

WRIT PETITION TRANSFERED FROM APAT No. 1529/2021

BETWEEN:

1. A S PRIYA, W/o. M. VIJAY KUMAR AGED ABOUT 39 YEARS, WORKING AS CONTRACT LECTURER IN TAMIL, S.R.S. GOVERNMENT JUNIOR COLLEGE, PUTTUR, R/o. D.No.11-30, NGO COLONY, PUTTUR CHITTO OR DISTRICT.

...PETITIONER

AND

1. A P PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY PUNAMMATHOTA, LABBIPET, VIJAYAWADA, KRISHNA DISTRICT. A.P.
2. THE SECRETARY, A.P. PUBLIC SERVICE COMMISSION PUNAMMATHOTA, LABBIPET, VIJAYAWADA, KRISHNA DISTRICT. A.P.
3. STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT HIGHER EDUCATION DEPARTMENT SECRETARIAT, VELAGAPUDI AMARAVATHI GUNTUR DISTRICT, A.P.
4. THE COMMISSIONER OF COLLEGIATE EDUCATION, GOVERNMENT OF A.P. ANR TOWERS, 1 ST FLOOR, PRASADAMPADU, VIJAYAWADA.
5. SMT P AMMU DEVI, W/O. V. VENKATA KRISHNA, ACADEMIC CONSULTANT, SRI. VENKATESWARA UNIVERSITY, (TAMIL DEPARTMENT) TIRUPATI, CHITTO OR DISTRICT. A.P .

...RESPONDENT(S):

To declare that the Applicant is entitled to be selected and appointed as Junior Lecturer in Tamil in the vacancy earmarked local candidates of Zone-IV pursuant to Notification No. 19/2008 and OS/2008 dated 26-11-2008 with all benefits incidental thereto duly setting aside the selection of the 2nd respondent who is non-local to Zone-IV made vide Selection Notification dated 07-02-2018 issued by the 1st respondent, as being arbitrary, illegal, contrary to the provisions of the Presidential Order and in violation of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioner:

1. MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1. C SAI REDDY
2. G R SUDHAKAR

The Court made the following:

COMMON ORDER:

The Writ Petition No.13857 of 2021 is filed under Article 226 of the Constitution of India for the following relief/s:

> "….."…..to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Mandamus declaring the action of the official Respondents in appointing the 5th Respondent as Junior Lecturer (Tamil) vide Rc.No.1242/A1/2021, dated 09.06.2021 issued by the 6th Respondent as being arbitrary, illegal, unjust, contrary to the Order passed in W.P. No.6555 of 2018 dated 04.10.2018 and in violation of Articles 14 and 16 of the Constitution of India and accordingly set-aside the same in the interest of justice and to pass such other order or orders…..

2. The prayer in W.P.(AT) No.1529 of 2020 is to set aside the appointment of the 5th respondent as Junior Lecturer (Tamil) by the 6th respondent vide Rc.No.1242/A1/2021, dated 09.06.2021.

3. As the prayers in both the matters are likewise as such they are disposed of by common order. W.P. No.13857 of 2021 is taken as lead petition for disposal of these two matters.

4. The 1st respondent-Andhra Pradesh Public Service Commission issued notification No.19/2018, dated 07.02.2018 inviting applications from the eligible candidates who are desirous for the post of Junior Lecturers in Government Junior Colleges for filling up of

provisional vacancies. The Petitioner and 5th respondent along with others have applied for the post of Junior Lecturer (Tamil). The petitioner belongs to Zone-4 under the category of OC women local candidate. The undisputed fact is that the petitioner and 5th respondent possessed all the requisite qualifications for the post of Junior Lecturer (Tamil). The written test was conducted on 03.12.2011 and the petitioner and 5th respondent are qualified in the written test.

5. However, the petitioner was not called for interview though she qualified in written test. The petitioner herein filed an application under Right to Information Act vide representation dated 25.12.2012 requesting to provide information of the candidates who were appeared for the written test for the post of Junior Lecturer (Tamil) on 03.12.2011.

6. Accordingly, 1st respondent has furnished the requisite information vide Memo No.338/RTI/13 dated 14.02.2013, and the petitioner was informed that the petitioner secured 73 marks in general studies paper-1 and 168 marks in paper-2 Tamil, two other candidates were called for interview and their candidature was rejected on the ground that they are not belong to local Zone.4.

7. Aggrieved by the action of the respondents in non-considering the candidature of the petitioner for the post of Junior Lecturer in Tamil category in Zone IV, the petitioner filed O.A. No.2633 of 2013 before the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was disposed of directing the 1st respondent to call the applicant (petitioner) for the interview along with others by issuing call letters.

8. While disposing of O.A., the Andhra Pradesh Administrative Tribunal has elicited the order in O.A. No.7991/2012 dated 21.02.2017, wherein it was observed as follows: *"Having regard to the fact and circumstances of the case and for the forgoing reasons, as only one post of Junior Lecturer (Tamil) is notified, there will be no reservation for the sole post and as such, the 1st respondent is directed to conduct interview to the applicant to the post of Junior Lecturer (Tamil) along with others and consider her case for appointment as per her merit and as per rules."* The said OA was filed by one 3rd party by name G.S. Saraswathi who is not pertains to the Zone-4.

9. Accordingly, the petitioner was called for interview conducted on 21.10.2017. The petitioner herein has secured 279 marks and the 5th respondent secured 283 marks.

10. Challenging the order in O.A. No.2633 of 2013, the 1st respondent-Public Service Commission preferred Writ Petition before the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in W.P. No.25586 of 2017. A Division Bench of common High Court has dismissed the Writ Petition confirming the order of the Administrative Tribunal "observing that *the Tribunal was justified in giving an opportunity to her, more so, when the post remained unfilled,* vide order dated 03.08.2017".

11. Be the matter stood thus, the petitioner challenged the appointment of the 5th respondent, issued vide proceedings in Rc.No.1242/A1/2021, dated 09.06.2021, in O.A. No.285 of 2018 as no interim order was passed in the said O.A., the petitioner herein preferred W.P. No.6555 of 2018. Initially, a Division Bench of the common High Court at Hyderabad granted *status quo* to be maintained, vide order dated 11.04.2018, later the writ petition was disposed of on 04.10.2018 *requesting the Administrative Tribunal to bestow priority and to make an endeavour to dispose of the O.A. 285 of 2018 inter alia* directing the Public Service Commission to *maintain status quo obtained till disposal of the O.A. by the Administrative Tribunal.* The said O.A. 285 of 2018 was renumbered as W.P.(AT) No.1529 of 2020 on the abolition of Administrative Tribunal.

12. Notwithstanding, the filing of O.A. No.285 of 2018 which was latter re-numbered as W.P.(AT) No.1529 of 2020 due to the abolition of Administrative Tribunal, the present Writ W.P. No.13857 of 2021 has been filed challenging the appointment of the 5th respondent by the 6th respondent, issued, vide proceedings dated 09.06.2021 in RC No.1242/A1/21. The grounds for this challenge include the assertion that, besides the reservation stipulated under Rule 22 of the Andhra Pradesh State and Subordinate Service Rules, 1996, the reservation regulation applies to the recruitment process as well. It is argued that the 5th respondent does not belong to Zone-4 and was selected in a manner contrary to the notification, which specified that the post was zonal. If no candidate is available from the particular zone, the position should be carried forward, referencing paragraph 9 of the Local Cadres and Selection of Direct Recruitment order. Additionally, it is contended that the appointment of the 5th respondent by the 6th respondent is inconsistent with the direction issued in W.P. No: 6555 of 2018 dated 04.10.2018. Therefore, prayed to set aside the appointment of 5th respondent as Junior Lecturer (Tamil) vide Rc.No.1242/A1/2021, dated 09.06.2021 issued by the 6th respondent, consequently to appoint the petitioner herein as Junior Lecturer in Tamil (Tamil) in zone-4.

13. Indubitably the 5th respondent secured more marks rather than the writ petitioner, in the interview conducted on 21.10.2017,

14. Per contra, learned counsel appearing for the 1st respondent and 5th respondent would submit that one G.S. Saraswathi a third party filed O.A. No.7991 of 2012 and the same was disposed of vide order dated 21.02.2017 and the Tribunal observed therein that *as there is only one post, there will not be any reservation as per the Presidential Order and other orders issued by the Government from time to time and the said vacancy has to be filled up on the basis of merit obtained in the examination conducted by the Andhra Pradesh Public Service Commission* and the 1st respondent is directed to conduct interview to the applicant therein to the post of Junior Lecturer (Tamil) along with others and consider her case for appointment as per merit and as per rules.

15. It is further stated that the order of the A.P.A.T. in O.A. No.7911/2012, was confirmed in W.P.18802 of 2017 by the Division Bench of the common High Court at Hyderabad vide order dated 02.11.2017, consequently the 5th respondent was appointed as she stood in merit and placed reliance on the judgment of the Hon'ble Apex Court in the case of ***R.R. Inamdar v. State of Karnataka and***

others[1] The Supreme Court at para No.8 held that no reservation for a single post. And also relied in another judgment of the Hon'ble Apex Court in the case of ***State of Karnataka and others v. K Govindappa and another***[2] for the very same proposition.

16. Both the counsel unequivocally argued that there can be no reservation for the single post, therefore, the petitioner is not entitled for any relief, especially as the 5th respondent secured more marks and stood in merit and ranked above the writ petitioner. Hence, they prayed to dismiss the writ petition.

17. Heard Mr. Sri Vijay Mathukumalli, learned senior counsel assisted by Mrs. M. Kavya Sudha, learned counsel for the petitioner, Sri G.R. Sudhakar, learned counsel for respondent No.2, and Sri S. Satyanarayana Moorthy, learned counsel for respondent No.5.

18. POINT FOR CONSIDERATION:

The counsel for the respondents for APPSC and the counsel for the unofficial respondent No-5 has emphasised their argument on the grounds that the selection was for a single post, rule of Reservation will not apply and drawn attention to the order in O.A. No: 7991 of 2012 of the Andhra Pradesh Administrative Tribunal. The

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[1] (2020) 19 SCC 543.
[2] (2009) 1 SCC 1

Administrative Tribunal held that no reservation for a single post. Both the counsel for the respondents have relied on the judgment of the Apex Court in the case of ***Inamdar v. State of Karnataka and others*** (supra 1) and ***State of Karnataka and others v. K Govindappa and another (supra 2.***

19. In the decision of ***Post Graduate Institute of Medical Education and Research Vs Faculty Association***[3], Constitutional Bench unequivocally, held that there cannot be any reservation in respect of an isolated post.

20. The principle that applied is that in order to apply the rule of reservation within a cadre, there has to be plurality of posts. When there is no scope of inter-changeability of posts in the different disciplines, each single post in a particular discipline has to be treated as a single post for the purpose of reservation within the meaning of Art 16 (4) of the Constitution. In the absence of duality of posts, if the rule of reservation is to be applied, it will offend the constitutional bar against 100% reservation as guaranteed in Art 16 (1) of the Constitution. Under Article 16(4) of the Indian Constitution, the government applies reservation quotas (for SC, ST, and OBC categories) to public job vacancies. However, the law states that

[3] (1998) 4 SCC 1

reservation cannot be applied to a single, isolated post, because reserving a single available seat would mean 100% reservation for that specific job, which is unconstitutional.

21. The Apex Court has determined that there cannot be any reservation for an isolated or single post, as this would constitute 100% reservation, as established in the Post Graduate Institute of Medical Education and Research (C.B.) (supra 3) case and the *Inamdar case,* (referred supra 1). The respondents' counsel argument is that one G.S. Saraswathi filed O.A. No. 7991 of 2012, which was confirmed in W.P. No. 18802 of 2017, where the Tribunal stated that no reservation is permissible for a single post. The Court cannot take a different view, as the Tribunal's order was confirmed by the Division Bench of the common High Court of Andhra Pradesh at Hyderabad in W.P. No. 18802 of 2017.

22. In view of the same, both the Writ Petitions are dismissed. However, there shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in these writ petitions shall stand closed.

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JUSTICE TARLADA RAJASEKHAR RAO

Date: 06.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No. 13857 of 2021 and
W.P.(AT) No.1529 of 2021

Date: 06-10-2026

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