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APHC010618162022

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

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION Nos. 36962 OF 2022 AND 32650 OF 2023

W.P. No.36962 of 2022

BETWEEN:

1. C RAJESWARI, W/O. P. SUDHARSHAN REDDY, AGED ABOUT 57 YEARS, OCC. MEDICO SOCIAL WORKER GRADE-II, WORKING AT GOVERNMENT MEDICAL COLLEGE, KADAPA, YSR DISTRICT. **…PETITIONER**

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR OF MEDICAL EDUCATION, HANUMANPET, VIJAYAWADA, KRISHNA DISTRICT.
3. THE REGIONAL JOINT DIRECTOR OF MEDICAL AND HEALTH SERVICES, KADAPA, YSR KADAPA DISTRICT.
4. P MANIKYAMMA, MSW GRADE-II, GOVERNMENT MEDICAL COLLEGE, KADAPA, YSR 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 to issue an order or direction more particularly one in the nature of the Writ of Mandamus declaring the impugned G.O.Ms.No. 190 issued by the Health, Medical and Family Welfare (H1) Department,

dated 17.08.2012 issued in amendment to the Special Rules for the Andhra Pradesh Medical Subordinate Service Rules issued in G.O.Ms.No. 565, Medical and Health (R1) Department, dated 27.08.1979 as subsequently in Annexure-II, in Column (2) under III (a) against category I, for the item (1) part (i) Must possess the Post Graduate Degree in M.SW (Master of Social Work) of any recognized University in the State as illegal, arbitrary, unjust, improper, discriminatory and violation of fundamental rights guaranteed under Article 14 and 16 of the Constitution of India and consequently direct the respondents 1 to 3 to promote the petitioner as Medico Social Worker Grade-I (Lecturer in Social Sciences) as per the Final Seniority List dated 07.10.2022 in Rc.No. 1816/C1/2022 in Zone-IV communicated for the panel year 2022-2023 and pass such other order or orders as this Honble Court may deem fit and proper in the interest of justice. Prayer amended/substituted as per Court Order dated 25.07.2023 Vide IA No. 2 of 2023 in WP No. 36962 of 2022.

Counsel for the Petitioner:

1. K VENUGOPAL REDDY

Counsel for the Respondent(S):

1. SYED AZMATULLAH
2. GP FOR SERVICES IV

W.P. No.32650 of 2023

BETWEEN:

1. B USHA RANI, W/o. N.LAKSHMAIAH, AGED ABOUT 52 YEARS, OCC MEDICO SOCIAI WORKER GRADE-II, (MSW GRADE-II), OFFICE OF REGIONAI DIRECTOR, MEDICAI AND HEAITH SERVICES, KADAPA, YSR KADAPA DISTRICT.
2. SMT. S.FATHIMA RUKSANA, W/o. S.ABUB BASHA, AGED ABOUT 48 YEARS, OCC MEDICO SOCIAI WORKER GRADE-II (MSW GRADE-II), OFFICE OF THE DISTRICT HEAD QUARTERS HOSPITAI, APWP, CHITTOOR, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAI SECRETARY, HEAITH AND FAMIIY WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

2. THE DIRECTOR OF MEDICAL EDUCATION, HANUMANPET, VIJAYAWADA, KRISHNA DISTRICT.
3. THE REGIONAL JOINT DIRECTOR OF MEDICAL AND HEALTH SERVICES, KADAPA, YSR KADAPA 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 to issue an order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the Respondents particularly Respondent No.3 in not considering the promotion of the petitioners in the cadre of Lecturer in Social Sciences (formerly known as MSW Grade-I) on the ground of acquired the qualification of Master of Social Work (MSW) from outside the State of Andhra Pradesh as illegal, arbitrary and in violation of Article 14, 16 (1) and 21 of the Constitution of India and consequently direct the Respondents particularly Respondent No.3 to promote the petitioners in the cadre of Lecturer in Social Sciences as per the final seniority list is going to be issued and to pass such other order or orders.

Counsel for the Petitioner(S):

1. K VENUGOPAL REDDY

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

The Court made the following:

COMMON ORDER:

Since, the issues involved in these two cases are identical in nature these petitions are heard analogously and are decided by the common order. For the sake of convenience, the facts in W.P. No. 36962 of 2022 are being taken for disposal of all these writ petitions.

2. The Writ Petition No. 32650 of 2023 is filed to issue an order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the respondents particularly respondent No.3 in not considering the promotion of the petitioners in the cadre of Lecturer in Social Sciences formerly known as MSW Grade, on the ground of acquired the qualification of Master of Social Work MSW from outside the State of Andhra Pradesh, as illegal, arbitrary and in violation of Articles 14, 16 (1) and 21 of the Constitution of India and consequently direct the respondents particularly respondent No.3 to promote the petitioners in the cadre of Lecturer in Social Sciences as per the final seniority list is going to be issued.

3. The Writ Petition No.36962 of 2022 is filed to issue an order or direction more particularly one in the nature of the Writ of Mandamus declaring the impugned G.O.Ms.No.190 issued by the Health Medical and Family Welfare H1 Department dated 17.08.2012, issued in amendment to the Special Rules for the Andhra Pradesh Medical Subordinate Service Rules issued in G.O.Ms.No.565 Medical and Health R1 Department dated

27.08.1979, as subsequently in Annexure-II in Column 2 under III against category I for the item 1 part-I Must possess the Post Graduate Degree in M.S.W. Master of Social Work of any recognized University in the State as illegal, arbitrary, unjust, improper, discriminatory and violation of fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India and consequently direct the respondents 1 to 3 to promote the petitioner as Medico Social Worker Grade-I Lecturer in Social Sciences as per the Final Seniority List dated 07.10.2022 in Rc.No. 1816/C1/2022 in Zone-IV communicated for the panel year 2022-2023 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice. Prayer amended/substituted as per Court Order dated 25.07.2023 Vide IA No 2 of 2023 in WP No 36962 of 2022.

4. The pleadings that are set out in the two writ petitions are that the petitioners are working as Medico Social Worker Grade-II (MSW Grade-II), in A.P. Vaidya Vidhana Parishad in Chittoor and their seniority list was fixed by the respondents, however the 3rd respondent i.e., The Regional Joint Director of Medical and Health Sciences vide proceedings in Rc. No.0414/C1/2022 dated 31.03.2022 denied promotion as Lecturer in Social Services (known as MSW Grade-I) from the category of MSW Gr-II as per G.O.Ms.No.190 HM & FW (H) Department dated 17.08.2012 since the petitioner acquired the qualification of Master of Social Work (MSW)

from Annamalai University, Annanagar Tamil Nadu State is out of State of Andhra Pradesh.

5. It is further stated that the Government of Andhra Pradesh issued G.O.Ms.No.190 dated 17.08.2012 Health and Medical and Family Welfare (H-I) department amending the rules that framed A.P. State and Subordinate Service Rules vide G.O. Ms.No.565 dated 27.08.1979 M&H (R-1) Dept. as per the amended a Proviso appended to column (2) under Class -III which is extracted hereunder for the benefit of the court.

> (a) against category 1 for the items (i), (ii) and (iii) the following items shall be substituted, namely,
>
> (i) must possess the Post Graduate Degree i.e., MSW (Master of Social Work) of any recognised University in the State.

6. Provided in case of the candidates possessing the Post Graduate Degree in Social Work are not available, the candidates possessing M.A., Sociology from any University recognised by the University Grants Commission shall be considered.

7. The counsel for the petitioners would submit as per the Proviso that the petitioners possessed the Post Graduate Degree in M.A., Sociology from other university are eligible for promotion, not considering the petitioners on the ground that the petitioners have possessed the certificate from Annamalai University amounts to arbitrary and illegal and

implored to direct the respondents to consider the case of the petitioners to appoint as Lecturers.

8. The 3rd respondent i.e., The Regional Joint Director of Medical and Health Sciences has filed the counter affidavit and it is specified that the even for considering the case of the petitioners basing on the qualification in M.A. Sociology also, as per the rules, if the candidates with Post Graduate Degree in MSW (Master of Social Worker) are not available then only the candidates with M.A. Sociology has to be taken into consideration. Post Graduate candidates are very munch available as per the seniority list as such the petitioners case cannot be considered and also stated that an alternative remedy of appeal is available to the petitioners under Rule 26 of A.P. State and Subordinate Service Rules 1996.

9. The writ petitioners assert that they are the senior most in the seniority list in Zone - IV for the panel year 2022 - 2023 and 2023 - 2024. Specifically, C. Rajeswari (W.P. No. 36962 of 2023) states she is ranked 2nd, while the other two petitioners claim rankings of 2nd and 4th, respectively, according to the Revised Final Seniority List. The respondents have not denied the said claim of the petitioners in their counter affidavit, however, neither the petitioners nor the respondents have furnished the seniority list as part of the writ petition.

10. Since the respondents do not dispute the petitioners' eligibility for promotion based on qualifications, their sole contention is that there are other candidates who hold a Master of Social Work (MSW) degree and are senior to the writ petitioners.

11. Accordingly, the writ petitions are disposed of with a direction to the respondents not to deny the petitioners' promotion to the post of Lecturer on the ground of lacking requisite qualifications, provided the petitioners are otherwise eligible for such promotion. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 21.07.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.Nos. 36962 of 2022 and 32650 of 2023

Date: 21-07-2026

Harin