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**(2010) 11 AP CK 0012**

**Andhra Pradesh High Court**

**Case No:** Writ Petition No. 27751 of 2010

V. Chandrasekhara Naidu

APPELLANT

Vs

The State of A.P.

RESPONDENT

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**Date of Decision:** Nov. 10, 2010

**Citation:** (2011) 2 ALD 576 : (2011) 6 ALT 515

**Hon'ble Judges:** L. Narasimha Reddy, J

**Bench:** Single Bench

**Advocate:** Abhinand Kumar Shavili, for the Appellant; A.K. Jayaprakash Rao and SC for TTD, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

L. Narasimha Reddy, J.

The Petitioner prays for a Writ of Quo-warranto, vis--vis the rights of the 3rd Respondent to continue in the post of Public Information Officer (PIO) of Tirumala Tirupathi Devasthanam, Tirupathi. The relevant facts pleaded by him are, as under :

The Petitioner joined the service of the Devasthanam as an Attender, in the year 1970. Thereafter, he acquired the promotions to the post of L.D.C., U.D.C., Superintendent and Assistant Executive Officer, and retired from service on 31-08-2004. The Devasthanam issued notification on 28-07-2001, inviting applications for selection and appointment of PIO. The Petitioner also applied for it. The Petitioner was selected and was appointed through orders dated 16-02-2002. His appointment was challenged by the 3rd Respondent and another, by filing W.P. No. 3853 and 5233 of 2002. The writ petitions were allowed. The judgment in the writ petitions was confirmed in Writ Appeals, by a Division Bench, and thereafter, by the Hon"ble Supreme Court in SL Ps. As a result, the appointment of the Petitioner was set aside and in his place, the 3rd Respondent was appointed as PIO.

2. It is stated that, recently the Petitioner obtained extracts of the relevant note file relating to selection for the post, by filing an application under the Right to Information Act (for short "the R.T.I Act"), and he noticed that the Selection Committee did not recommend the name of the 3rd Respondent, at all. On this basis, the Petitioner contends that the appointment of the 3rd Respondent is illegal and untenable, and in that view of the matter, the latter has no right to continue in that post.

3. Sri Abhinand Kumar Shavili, learned Counsel for the Petitioner submits that though the Executive Officer of the Devasthanam is the appointing authority, he cannot deviate from the recommendations of the selection committee. He contends that a serious illegality has crept into the appointment of the 3rd Respondent, since his name was not recommended by the selection committee, and that he does not have any right to be appointed in that post.

4. Sri A.K. Jayaprakash Rao, learned Counsel for the Devasthanam, on the other hand, submits that the selection and appointment of PIO of the Devasthanam in the year 2002 was the subject-matter of writ petitions, writ appeals and SL Ps, and the 3rd Respondent has been appointed in compliance with the directions issued by this Court.

5. The Petitioner has retired from service, and at present he has no claim for the post of PIO. As a matter of fact, he was selected and appointed to that post, but the same was set aside by this Court. The purpose projected by the Petitioner in filing this writ petition is that, he cannot remain silent, when a reputed organization, like, the Devasthanam suffers dent to its credibility, by appointing a person, to an important position, like PIO, in deviation of the recommendations of the selection committee. Had the Petitioner been unconcerned with the entire issue and his intention was only to ensure that the affairs in the Devasthanam are conducted strictly in accordance with law, his endeavour would certainly have been appreciated.

6. It has already been mentioned that the steps for appointing the PIO were initiated in the year 2001. The Petitioner, the 3rd Respondent and certain others applied, and the Petitioner came to be appointed on the basis of the recommendations of the selection committee. His appointment was challenged on the ground that he crossed the age limits prescribed for the post.

7. A learned single Judge of this Court has undertaken extensive discussion with reference to the notifications and the Service Rules of the Devasthanam, and through judgment dated 06-09-2002, has set aside the appointment of the Petitioner. A specific direction was issued to the Devasthanam to consider the cases of the Petitioners in those writ petitions, one of whom was the 3rd Respondent herein, for the post of PIO; in accordance with the ranks assigned to them in the interview held on 15-02-2002. The Petitioner filed writ appeal Nos. 1456 and 1457 of

2002. A Division Bench of this Court delivered a detailed and elaborate judgment. The result thereof is indicated in the following paragraph :

In the result, both the appeals fail and are dismissed. The order of the learned single Judge in both the writ petitions is confirmed. The T.T.D. authorities are directed to consider the case of both the writ Petitioners in accordance with the ranks assigned to them in the selection and to select a suitable candidate for the post in question.

8. This judgment was upheld by the Hon"ble Supreme Court in the SL Ps filed by the Petitioner. In compliance with the directions issued by this Court, the Respondents 1 and 2 considered the matter and appointed the 3rd Respondent as PIO. Two years thereafter, the Petitioner retired from service of the Devasthanam. His grouse and grudge did not stop at that. The Petitioner obtained a copy of the note file, relating to the appointment to the post of PIO, by filing application under the R.T.I Act. The relevant portion reads as under :

The Selection Committee conducted the written test for 90 marks and the following persons who were called qualified with 1:3 ratio to attend for interview basing on the eligibility of marks scored in the Written Examination.

The interview was conducted at 4-30 P.M., on 15-2-2002 at S.V.C.L.R.C., Tirupati.

1) Sri V. Chandrasekhar Naidu (Petitioner)

2) Smt. P. Jhansi

3) Sri T. Ravi (3rd Respondent)

Among the above three candidates, the Selection Committee recommends Sri V. Chandrasekhar Naidu to appoint as Asst. Public Relation Officer in T.T. Devasthanams as he scored highest marks both in written and oral examinations. The following are the details of the marks scored by the above three candidates :

The Executive Officer, TT Ds., is requested to approve the recommendations of the Selection Committee.

9. The contention of the Petitioner is that his name alone was recommended by the selection committee, and that there was no such recommendation, even as an alternative, in favour of the other two candidates, including the 3rd Respondent. According to him, if his selection becomes untenable, the only alternative was, to undertake fresh selection.

10. The approach of the Petitioner is perverse, to say the least. He appears to be not having any respect for the adjudication that took place in the writ petitions, writ appeals and SL Ps. One can certainly appreciate his hard work or industry in rising from the post of Attender to the level of Assistant Executive Officer. Unfortunately, he appears to be under the impression that much more was denied to him, which he is otherwise entitled to. Even now, he is not able to reconcile to the judgments

handed out in three successive proceedings, by the High Court and the Hon"ble Supreme Court.

11. It is not a case where the appointing authority has picked up some one, and ignored the panel of the names, suggested by the selection committee. The very purpose of arranging the three names, duly assigning marks to them, was, to leave it to the appointing authority, to choose one of them. Once the appointment of the person in the first place of the panel was set aside, it was always open to the appointing authority, and in fact, incumbent upon it, to choose one among the remaining two.

12. In the instant case, there was a specific direction by this Court, to abide by the panel. The nature of argument put forward by the Petitioner does not befit that of an Assistant Executive Officer, and it appears that the Petitioner did not grow from the level of the post, to which he was initially appointed. After examining the record and on hearing the arguments on behalf of the Petitioner, this Court is of the view that, it is he, and persons like him, that have caused erosion to the reputation of the Devasthanam, by their deeds and being responsible for unwarranted litigation. In a way, it can be said that, the Petitioner has pooled all his resources by misusing his office as Assistant Executive Officer and got selected as PIO in utter violation of the Rules and norms. He naturally got frustrated, when the appointment so procured was set aside by this Court. He has no, or scant respect for law. The conduct of the Petitioner deserves to be deprecated.

13. This Court proposed imposition of heavy costs on the Petitioner for filing such a frivolous, baseless, vindictive and venomous litigation. Learned Counsel for the Petitioner implored the Court, to be a bit moderate in this regard. The writ petition is dismissed, with costs of Rs. 3,000/- (three thousand). The Petitioner shall deposit the costs of Rs. 3,000/- (three thousand) within two months from today. If he fails to do so, the Devasthanam shall be entitled to withhold that amount from the pension, if paid to the Petitioner, or to initiate proceedings to recover the same, by treating it as a decree. Till the amount is recovered or deposited, the Devasthanam shall not extend any facility to the Petitioner, which a retired employee is otherwise entitled to.