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HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT APPEAL NO: 238 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 26/10/2022, in W.P. No. 6657 of 2022 on the file of the High Court.

Between:

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1. The Telangana Tribal Welfare Residential
Educational Institutions Society
Represented by its Secretary,
DSS Bhavan, Masab Tank, Hyderabad.
 2. The Telangana Social Welfare Residential
Educational Institutions Society,
Rep. by its Secretary,
DSS Bhavan, Masab Tank, Hyderabad.
 3. The Mahatma Jyothi Phule Backward Classes
Welfare Residential Educational Institutions Society,
Rep. by its Secretary, DSS Bhavan, Masab Tank, Hyderabad.
 4. The Telangana Minorities Residential Educational
Institutions Society, Rep. by its Secretary,
8-2-596/1/1, Road No. 10, Beside Star Hospital,
Opp. Karvy Lane, Banjara Hills, Hyderabad.
 5. The Telangana Residential Educational
Institutions Society, Rep. by its Secretary,
DSS Bhavan, Masab Tank, Hyderabad.

...Appellants/Respondents No. 3 to 7.

And:

1. Sri Katikola Nagaiah, S/o. Sri Somaiah
aged about 30 years, Occ: unemployed,
R/o. Lal Laxmipuram, Kallur, Neredcherla, Nalgonda.
 2. Sri Kandukuri Kotireddy, S/o. Sri Devendar Reddy,
aged about 31 years, Occ: unemployed,
R/o. Hanumayagudem, Neredcherla Mandal
Nalgonda.
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3. Sri Maram Shekar Reddy, S/o. Sri Venkat Reddy, aged about 32 years, Occ: unemployed, R/o. Narasimhula Gude village, Munagala, Suryapet.
4. Sri Dasoju Naresh, S/o. Ramachari, aged about 33 years, Occ: unemployed, R/o. Mudugonda village, Devarkonda, Nalgonda district.
5. Sri K. Shiva Krishna, S/o. Muthyam, aged about 30 years, Occ: unemployed, R/o. Naleshwar village, Navipet Mandal, Nizamabad district.
6. Sri Mallikanti Anjaneyulu, S/o. Hussain, aged about years, Occ: unemployed, R/o. Sajjapuram village, Palakeedu Mandal Suryapet District.
7. Ms. Mangilipalli Bhargavi, D/o. Sri Ramulu, aged about 38 years, Occ: unemployed, R/o. Sai Maruthi Nagar, Boduppal, Ghatkesar, Ranga Reddy district.
8. Ms. Surabi Sujatha, D/o. Sri Anjaiah, aged about 41 years, Occ: unemployed, R/o. Shanthi Nagar, Miryalaguda, Nalgonda-508207.
9. Ms. Dachevall Aruna, D/o. Sri Narsasaiah, aged about 43 years, Occ: unemployed, R/o. Indiranagar, Ramnagar, Nalgonda.
10. Ms. Konakanchi Yelleshwari, D/o. Sri Veeraiah, aged about 40 years, Occ: unemployed, R/o. Miryalaguda, Nalgonda.
11. Sri V. Shivaiah, S/o. Sri Balakistaiah, aged about 34 years, Occ: unemployed, R/o. Madharam, MIDJII Mandal, Mahabubnagar-509320.
12. Sri K. Ganesh, S/o. Sri Gopala Rao, aged about 33 years, Occ: unemployed, R/o. Balanagar Colony, Wanaparthy.
13. Ms. S. Shasi Devi, D/o. Sri Madhavareddy, aged about 36 years, Occ: unemployed, R/o. Seetharam Nagar Colony, Bhadrachalam - 507 111.

14. Ms. Karumula Kanakadurga, D/o. Sri Ramnarsireddy, aged about 42 years, Occ: unemployed, R/o. Eedhulagudem, Miryalaguda, Nalgonda District.
15. Ms. Patuluri Swapna Priya, D/o. Sri Narayana, aged about 29 years, Occ: unemployed, R/o. Fathenagar, Medak - 502 110.
16. Ms. Nerella Sowjanya, D/o. Sri Nageswar Rao, aged about 33 years, Occ: unemployed, R/o. Kakarla Palli, Khammam.
17. Sri S.Suman, S/o. Sri Narsireddy, aged about 36 years, Occ: unemployed, R/o. Bayyaram, Mahabubabad district.
18. Ms. B. Swapna, D/o. Malleshram, aged about 29 years, Occ: unemployed, R/o. Siddipet - 502 103.
19. Ms. Sunitha G, D/o. Sri Narasimulu, aged about 39 years, Occ: unemployed, R/o. Narayanapet - 509 208.
20. Ms. Kanthala Bhagyalaxmi, D/o. Sri Venkata Reddy, aged about 40 years, years, Occ: unemployed, R/o. Peddapalli village and Mandal.
21. Ms. Peddireddy Rajitha, D/o. Sri Raghava Reddy, aged about 32 years, Occ: unemployed, R/o. Gaddivanipally, Jammikunta, Karimnagar.
22. Ms. Dundigalla Mamatha, D/o. Sri Venkateshwarlu, aged about 27 years, Occ: unemployed, R/o. Chalamareddy Gudem, Nalgonda.
23. Sri Kalwala Praveen Kumar, S/o. Pedda Rajesh, aged about 35 years, Occ: unemployed, R/o. Jekaram, Mulugu.
24. Ms. B. Vinoda, D/o. Sri Narasimhulu, aged about 35 years, Occ: unemployed, R/o. Herurward Village and Mandal Tandoor, Rangareddy district.
25. Ms. C. Anitha, D/o. Sri Venkatreddy, aged about 37 years, Occ: unemployed, R/o. De.Pally, Nawabpet, Mahabubnagar.

26. Ms. Shailaja Sriram, D/o. Sri Balaiah, aged about 40 years, Occ: unemployed, R/o. Kondapaka, Karimnagar.
27. Ms. Kuppala Lavanya, D/o. Sri Balaiah, aged about 32 years, Occ: unemployed, R/o. Kodakandla village, Gajwel, Medak.
28. Sri Vidyasagar Goud, S/o. Sri Saibanna, aged about 37 years, Occ: unemployed, R/o. Kachwar, Makthal, Mahabubnagar.
29. Ms. Rajalingam Pavani, D/o. Sri Rajendhar, aged about 32 years, Occ: unemployed, R/o. Ummeda, Nandipet, Nizamabad.
30. Ms. Ragi Swetha, D/o. Sri Yegonda Swamy, aged about 33 years, Occ: unemployed, R/o. Ramayampeta, Medak.
31. Ms. Kantam Mamatha, D/o. Sri Yellaiah, aged about 28 years, Occ: unemployed, R/o. Kottalagadda, Kamareddy.
32. Ms. A. Padmini, D/o. Sri Prabhakar Rao, aged about 31 years, Occ: unemployed, R/o. Azam Gunj, Bodhan, Nizamabad.
33. Sri Bandaru Sai Krishna, S/o. Sri Murthy, aged about 34 years, Occ: unemployed, R/o. Srinivasnagar, Khammam.
34. Ms. Ramavath Anjali, D/o. Sri Bheemudu, aged about 29 years, Occ: unemployed, R/o. Bonda Thanda, Sudhanu Pally, Kuravi, Mahabubabad.
35. Sri Guvva Seetha Ram Reddy, S/o. Sri Sudhakar Reddy, aged about 43 years, Occ: unemployed, R/o. PO Reddygudem, Chirumarthi mandal, Vemulapally, Nalgonda.
36. Ms. Geetha K., D/o. Sri Mallikarjun, aged about 30 years, Occ: unemployed, R/o. Manthangoud village, Maktal, Narayanpet.
37. Ms. Chindham Navaneetha, D/o. Sri Ramaswamy, aged about 31 years, Occ: unemployed, R/o. Chowdariguda, Ghatkesar, Ranga Reddy district.

38. Ms. Ch. Vijaya, D/o: Sri Mallaiah,
aged about 43 years, Occ: unemployed,
R/o. Hanuman Nagar, Devarakonda, Nalgonda.
39. Sri M. Srinivas Nayak, S/o. Sri Nanya,
aged about 35 years, Occ: unemployed,
R/o. Pedya Kunta Thanda, Mahabubnagar.
40. Ms. Nellikanti Saritha, D/o. Ramulu,
aged about 36 years, Occ: unemployed,
R/o. Chalmeda, Narayanapuram, Nalgonda.
41. Sri Butham Nagaiah, S/o. Sri Komaraiah,
aged about 34 years, Occ : unemployed,
R/o. Maddhirala, Suryapet.
42. Ms. Maddikunta Swapna, D/o. Sri Mallaih,
aged about 32 years, Occ : unemployed,
R/o. Ramnthapur, Uppal, Rangareddy.
43. Ms. Nimmala Mamatha, D/o. Sri Balreddy,
aged about 29 years, Occ : unemployed,
R/o. Srinivas Nagar Colony, Kamareddy.
44. Sri Vijay Kumar V., S/o. Sri Mogulaiah,
aged about 35 years, Occ : unemployed,
R/o. Shanthinagar Colony, Damaragidda,
Narayanpet.
45. Ms. A. Krishna Veni, D/o. Sri Raoji,
aged about 31 years, Occ : unemployed,
R/o. Pisikilgutta, Gandhari, Kamareddy.
46. Ms. Masapaka Bhagya, D/o. Sri Yadhagiri,
aged about 30 years, Occ : unemployed,
R/o. Padgal, Velpur, Nizamabad.
47. Ms. Marri Shailaja, D/o. SriSambaiah,
aged about 31 years, Occ : unemployed,
R/o. Mulugu.
48. Ms. Alumula Swapna, D/o. Sri Gopal Rao,
aged about 30 years, Occ : unemployed,
R/o. Khanpur, Adilabad.
49. Sri S. Srinivas, S/o. Sri Bagavanthu,
aged about 34 years, Occ : unemployed,
R/o. Rajanagaram, Wanaparthi.

50. Ms. C. Mamatha, D/o. Yadhireddy, aged about 34 years, Occ : unemployed, R/o. Veerapur, Kulkacharla, Vikarabad.
51. Ms. Mollu Rajini, D/o. SriPoshaiah, aged about 28 years, Occ : unemployed, R/o. Nailagunta, Venkatapur, Warangal.
52. Ms. Thodusu Sumatha, D/o. Sri Shekar, aged about 27 years, Occ : unemployed, R/o. Pothalapahad, Athmakur, Suryapet.
53. Ms. Ramadevi Ch, D/o. Sri Veera Reddy, aged about 35 years, Occ : Unemployed R/o. Moinabad, Rangareddy.
54. Ms. Pulusam Srilatha, D/o. Sri Pandaiah, aged about 30 years, Occ : unemployed, R/o. Athmakur Dupally, Nalgonda.
55. Ms. Shabana, D/o. Sri Gulam Samdani, aged about 42 years, Occ : unemployed, R/o. Rajeev Nagar Colony, Sadashiva Nagar, Nizamabad.
56. Ms. Kalpana Bolugoddu, D/o. Sri Koteswar, aged about 34 years, Occ : unemployed, R/o. Dharam Sagar, Devunoor, Warangal.
57. Ms. Nagunoori Navya Sri, D/o. Sri Sathyanarayana, aged about 32 years, Occ : unemployed, R/o. Bellampalli, Adilabad.
58. Ms. Muthyala Sarala, D/o. Sri Vishwanatham, aged about 35 years, Occ : unemployed R/o. Lakhora, Velpur, Nizamabad.,
59. Sri Item Yogeshwar Goud, S/o. Sri Naragoud, aged about 32 years, Occ : unemployed, R/o. Allor, Armur, Nizamabad.
60. Ms. Meera Sneha Kumari, D/o. Sri Jagadewswar, aged about 27 years, Occ : unemployed, R/o. Edigan Nirmal.
61. Ms. Srilatha Pothila, D/o. Sri Sammaiah, aged about 35 years, Occ : unemployed, R/o. Vasavi Nagar, Mahadevpur, Karimnagar.

62. Sri Jarpula Ramesh, S/o. Sri Narayana, aged about 32 years, Occ : unemployed, R/o. Hanuman Temple, Gurudotla, Ranga Reddy.
63. Sri L. Sathesh Kumar, S/o. Sri Venkateswar Rao, aged about 34 years, Occ : unemployed, R/o. Kandhukur, Vemsur, Khammam.
64. Ms. Gugulothu Sunitha, D/o. Sri Ravinder, aged about 31 years, Occ : unemployed, R/o. Dharmapuram, Penpahad, Suryapet.
65. Ms. Bollampalli Sailaja, D/o. Sri Narayana, aged about 41 years, Occ : unemployed, R/o. Nittur village, Peddapally.
66. Sri Suresh Baikan, S/o. Sri Mallaiah, aged about 29 years, Occ : unemployed, R/o. Siddapur, Nirmal, Nataraj Nagar.
67. Ms. Mhireesha M, D/o. Sri Thirupathaiah, aged about 31 years, Occ : unemployed, R/o. Ramnagar Colony, Nagarkurnool.
68. Sri Akula Ravikanth, S/o. Sri Ramuloo, aged about 31 years, Occ : unemployed, R/o. Kondapur, Nizamabad.
69. Sri B. Srinivasulu, S/o. Sri Ramulu, aged about 30 years, Occ : unemployed, R/o. Chandrayan Pally, Veldanda, Mahabubnagar.
70. Ms. M. Prameela, D/o. Sri Krishnaswami, aged about 34 years, Occ : unemployed, R/o. Kalwakurthy, Mahabubnagar.
71. Ms. Anthati Jyothi, D/o. Sri Yadaiah, aged about 30 years, Occ : unemployed, R/o. Veliminedu, Chityal, Nalgonda.
72. Ms. Gajji Dhanalaxmi, D/o. Sri Avialaih, aged about 30 years, Occ : unemployed, R/o. Noolagadda, Kothapalle, Shaligouraram, Nalgonda.
73. Ms. Bharathi Aela, D/o. Sri Narasaiah, aged about 39 years, Occ : unemployed, R/o. Jawaharpet, Ellanthakunta, Rajana Sircilla.

74. Ms. K. Swapna, D/o. Sri Chandra Reddy, aged about 37 years, Occ : unemployed, R/o. Papannapet, Padichenpalli, Medak.
75. Ms. S. Rajani, D/o. Sri Nagaiah, aged about 32 years, Occ : unemployed, R/o. Rakasipet, Bodhan, Raithunagar, Nizamabad.
76. Sri Kothapelly Praveen Kumar, S/o. Sri Chandramouli, aged about 40 years, Occ : unemployed, R/o. Porumalla, Medipalli, Karimnagar.
77. Ms. Ponaganti Srilatha, D/o. Sri Ramaswami, aged about 36 years, Occ : unemployed, R/o. Vidya Nagar, Jagityal.
78. Ms. Akula Anjali, D/o. Sri Krishna Murthy, aged about 28 years, Occ : unemployed, R/o. Jinkala Ravi Colony, Beside White House, Saroornagar, Ranga Reddy.
79. Ms. Devasathi Shobha, D/o. Sri Narayana, aged about 31 years, Occ : unemployed, R/o. B. Thanda, Kangti, Medak.
80. Mandherla Santhosh, S/o. Sri M. Beemaiah, aged about 28 years, Occ : unemployed, R/o. Avdam, Nennel, Mancherla.
81. Sri Shivaprasad, S/o. Sri Ashappa, aged about 37 years, Occ : unemployed, R/o. Jalapur, Narayanpet, Mahabubnagar.
82. Ms. Thota Rajeshwari, D/o. Sri Venkataiah, aged about 32 years, Occ : unemployed, R/o. Vinayak Nagar, Hayathnagar, Rangareddy.
83. Ms. Kadigari Swarnakala, D/o. Sri Jeeva Ratnam, aged about 27 years, Occ : unemployed, R/o. Mekavanampalli, Rangareddy.
84. Ms. Anitha Thondala, D/o. Sri Satyanarayana, aged about 33 years, Occ : unemployed, R/o. Aroor, Nalgonda.
85. Sri Sathenpally Ramesh, S/o. Sri Narasaiah, aged about 39 years, Occ : unemployed, R/o. Ramgiri, Shaligowraram, Nalgonda.

86. Ms. Madhulika Beerelli, D/o. Sri Rajeshwar Rao, aged about 34 years, Occ : unemployed, R/o. Ramnagar, Karimnagar.
87. Ms. Guniganti Sravani, D/o. Sri Venkanna, aged about 32 years, Occ : unemployed, R/o. Chandupattla, Nuthanakal, Nalgonda.
88. Sri Rajkumar Poloju, S/o. Sri Nagabrahmam, aged about 33 years, Occ : unemployed, R/o. Sreemannarayana colony, Kodad, Suryapet.
89. Ms. Gottipamula Swetha, D/o. Sri Prabhakar, aged about 31 years, Occ : unemployed, R/o. Ganesh Street, Jangaon.
90. Ms. A. Anitha, D/o. Sri A. Venkataiah, aged about 36 years, Occ : unemployed, R/o. Maheshwaram, Narsampet, Warangal.
91. Ms. K. Padma, D/o. Sri Laxminarsu, aged about 38 years, Occ : unemployed, R/o. Railway Station Road, Near Govt. Hospital, Valigonda.
92. Ms. G. Swathi, D/o. Sri Gopal Reddy, aged about 29 years, Occ : unemployed, R/o. Mancherla, Gandeed, Ranga Reddy.
93. Sri Uornolla Ranjith, S/o. Sri Narasaiah, aged about 33 years, Occ : unemployed, R/o. Rangapoor, Kamaarpally, Nizamabad.
94. Sri Gopathi Chandrashekar, S/o. Sri Venkateswarlu, aged about 34 years, Occ : unemployed, R/o. Ramapuram, Chilkur, Suryapet.
95. Sri Thokala Mahesh, S/o. Sri Kistaiah, aged about 35 years, Occ : unemployed, R/o. Besthawada, Vemanpally, Adilabad.
96. Ms. Nandini Narsareddy gari, D/o. Sri Ramachandra Reddy, aged about 40 years, Occ : unemployed, R/o. Wadi, Medak.
97. Sri Sabbidi Devendher, S/o. Sri Yerranna, aged about 30 years, Occ : unemployed, R/o. Kuntala, Nirmal.
98. Sri Kummari Gnaneshwar, S/o. Sri Sailu, aged about 30 years, Occ : unemployed, R/o. Advilingal, Yellareddy, Nizamabad.

99. Ms. Kadem Jyothi, D/o. Sri Kistaiah, aged about 47 years, Occ : unemployed, R/o. KLN Reddy Colony, Hanumakonda.
100. Ms. D. Vinoda, D/o. Sri Laxman, aged about 32 years, Occ : unemployed, R/o. Tandur, Vikarabad.
101. Ms. N. Shivaleela, D/o. Sri Ramulu, aged about 34 years, Occ : unemployed, R/o. Nehru Gunj, Thandur, Rangareddy.
102. Ms. V. Madhavi, W/o. Sri C. Ramesh Reddy, aged about 41 years, Occ : unemployed, R/o. Main Road, Dasupally, Telakapally Mahabubnagar.
103. Sri Kotesw Jalgam, S/o. Sri Ramulu, aged about 31 years, Occ : unemployed R/o. Reddy Vada, Maddirala, Suryapet.
104. Sri Chokkaram Satish Kumar, S/o. Sri Ch. Jagadeeshwar, aged about 29 years, Occ : unemployed, R/o. Marvelly, Alladurg, Medak.
105. Ms. Kommu Suvarna, D/o. Sri Chandraiah, aged about 34 years, Occ : unemployed, R/o. Gudem, Mustabad, Rajanna Sircilla.
106. Sri Medi Nagesh, S/o. Sri Ramulu, aged about 34 years, Occ : unemployed, R/o. Chandravelly, Bellampalli, Manchiryal.
107. Ms. M.Swapna, D/o. Sri Sudhakar Reddy, aged about 32 years, Occ : unemployed, R/o. Gorantala, Gambhiraopet, Rajanna Sircilla.
108. Ms. Banoth Vijaya, D/o. Sri Veeranna, aged about 29 years, Occ : unemployed, R/o. Valya Thanda, Beerishettigudem Datla, Mahabubabad.
109. Sri Yadagiri Goud Abbagonna, S/o. Sri Narsa Goud, aged about 42 years, Occ : unemployed, R/o. New Housing Board Colony Kanteshwar, Nizamabad.
110. Ms. Hafsa, D/o. Sri M.D. Ali, aged about 33 years, Occ : unemployed, R/o. Kaapuvada, Karimnagar.

111. Ms. Nyalapatla Rama, D/o. Sri Sathaiah, aged about 33 years, Occ : unemployed, R/o. Meerbagh Colony, Hyderabad.
112. Ms. Nigidala Nalini, D/o. Sri Satyanarayana, aged about 32 years, Occ : unemployed, R/o. Nereducharla, Suryapet.
113. Ms. K. Divya Bharathi, D/o. Sri Vijaykumar, aged about 32 years, Occ : unemployed, R/o. Ravindranagar, Mahabubnagar.
114. Ms. Pachigolla Jyothi, D/o. Sri Venkataiah, aged about 33 years, Occ : unemployed, R/o. Kondapuram, Chilkur, Suryapet.
115. Ms. Ch. Anusha, D/o. Sri Sudhakar Reddy, aged about 30 years, Occ : unemployed, R/o. Shivajinagar, Siddipet.
116. Ms. Kenda Manjula, D/o. Sri Narayana, aged about 30 years, Occ : unemployed, R/o. Rajivnagar, Khanapur, Adilabad.
117. Ms. Kole Savitha, D/o. Sri Shankar, aged about 30 years, Occ : unemployed, R/o. Bhainsa, Nirmal.
118. Ms. Pala Sandhya Bhavani, D/o. Sri Ganapathi Sharma, aged about 36 years, Occ : unemployed, R/o. Kondamalle Palli, Nalgonda.
119. Sri Lakpathiwar Raju, S/o. Sri Rajaram, aged about 30 years, Occ : unemployed, R/o. JHRI, Thanoor, Nirmal.
120. Sri S. Ramakrishna Reddy, S/o. Sri Chinnabal Reddy, aged about 31 years, Occ : unemployed, R/o. Santha Bazar, Wanaparthy.
121. Ms. Angoth Nirmala, D/o. Sri Ramchand, aged about 33 years, Occ : unemployed, R/o. Jagguthanda, Bayyaram, Mahabubabad.
122. Sri Saggam Gopi, S/o. Sri Papaiah, aged about 34 years, Occ : unemployed, R/o. Rammandir Road, Patancheru, Sangareddy.

123. Ms. Lakkam Ushalaxmi, D/o. Sri Bakkaiah, aged about 29 years, Occ : unemployed, R/o. Nelakondapalli, Khammam.
124. Ms. Banoth Sunitha, D/o. Sri B. Chatriya, aged about 31 years, Occ : Unemployed, R/o. Balya Thanda, Balajipet, Bayyaram, Khammam – 507 211.
125. Ms. Sangha Saritha, D/o. Sri Poshalu, aged about 28 years, R/o. Gollapally Gundlapahad Nallabelly, Warangal.
126. Ms. Maryala Aruna, D/o. Sri Venkat Reddy aged about 37 years, Occ : unemployed R/o. Adharsh Nagar, Alair, Yadadri Bhuvanagiri.
127. Ms. Paspula Anitha, D/o. Sri Paspula Ramu, aged about 29 years, Occ : unemployed R/o. Second Bazar, Secunderabad – 500 003.Respondents/
...Petitioners No. 1 to 127.
- ✓ 128. The State of Telangana, Rep. by its Secretary to the Government, School Education Department, BRK Bhavan, Hyderabad.
- ✓ 129. The Telangana State Public Service Commission, Represented by its Chairman, Prathiba Bhavan, Nampally, Hyderabad.
- ✓ 130. The State of Telangana, Rep. by its Secretary to the Government, Schedule Castes Development Department, BRK Bhavan, Hyderabad.
131. The State of Telangana, Rep. by its Secretary to the Government, Tribal Welfare Department, BRK Bhavan, Hyderabad.
132. The State of Telangana, Rep. by its Principal Secretary to the Government, Backward Classes Welfare Department, BRK Bhavan, Hyderabad.

133 The State of Telangana, Rep. by its
Secretary to the Government,
Minorities Welfare Department,
BRK Bhavan, Hyderabad.

....Respondents/
Respondents No. 1, 2, 8 to 11.

IA NO: 4 OF 2024

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 suspend the impugned common order dated 10/04/2023 and 26/10/2022 as passed in WP. No. 6657 of 2022 of 2022 in the interest of justice and fair play or otherwise serious hardship would be caused to the official of the appellants establishment.

Counsel for the Appellant: SRI. V. NARASIMHA GOUD

Counsel for the Respondent Nos. 1-127: M/s. SHYAM S AGRAWAL

Counsel for the Respondent No.128: GP FOR EDUCATION

Counsel for the Respondent Nos. 129: SRI M. RAMGOPAL RAO, SC FOR TSPSC

**Counsel for the Respondent Nos. 130to133: GP FOR SOCIAL WELFARE/
GP FOR SERVICES**

The Court made the following: JUDGMENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT APPEAL No.238 OF 2024

JUDGMENT: *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

When the matter is taken up for hearing, learned counsel for the appellants as well as the learned counsel for the respondents have informed the Court that the issue raised in the present Writ Appeal is squarely covered by the order, dated 12.03.2024, passed by the Division Bench of this Court in W.A.No.138 of 2024 and by following the aforesaid order, the present Writ Appeal is also liable to be disposed of.

2. In view of the said submissions, this Court is of the considered view that the present Writ Appeal also deserves to be disposed of following the aforesaid order, dated 12.03.2024, passed by the Division Bench of this Court in W.A.No.138 of 2024.

3. Accordingly, the Writ Appeal is disposed of following the aforesaid order, dated 12.03.2024, passed by the Division Bench

of this Court in W.A.No.138 of 2024. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

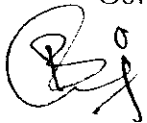
SECTION OFFICER

To,

1. The Secretary to the Government, School Education Department, BRK Bhavan, T.S., Hyderabad.
2. The Chariman, Telangana State Public Service Commission, Prathiba Bhavan, Nampally, Hyderabad.
3. The Secretary to the Government, Schedule Castes Development Department, BRK Bhavan, T.S., Hyderabad.
4. The Secretary to the Government, Tribal Welfare Department, BRK Bhavan, T.S., Hyderabad.
5. The Principal Secretary to the Government, Backward Classes Welfare Department, BRK Bhavan, T.S., Hyderabad.
6. The Secretary to the Government, Minorities Welfare Department, BRK Bhavan, T.S., Hyderabad.
7. Two CCs to GP FOR SERVICES, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CCs to GP FOR EDUCATION High Court for the State of Telangana, at Hyderabad.[OUT]
10. One CC to SRI. V. NARASIMHA GOUD Advocate [OPUC]
11. One CC to SRI. SHYAM S AGRAWAL Advocate [OPUC]
12. One CC to SRI. M. RAMGOPAL RAO, SC FOR TSPSC [OPUC]
13. Two CD Copies

(Along with a judgment copy of W.A.NO.138 of 2024)

B M
GJP



HIGH COURT

DATED:01/04/2024

JUDGMENT

WA.No.238 of 2024



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(18)
24/4/24
H-B

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Appeal No.138 of 2024

JUDGMENT: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 10.04.2023 in W.P.No.488 of 2022 passed by the learned Single Judge, the present Writ Appeal is filed.

2. Heard Sri P. Narsimha Goud, learned counsel for the appellants; Sri D.Prakash Reddy, Senior Counsel appearing for the Graduates/unofficial respondents and Sri T. Rama Krishna, learned counsel appearing for the Diploma holders/unofficial respondents and Sri M. Ram Gopal Rao, learned Standing Counsel appearing for the Telangana State Public Service Commission (TSPSC).

3. Learned counsel for the appellants had contended that the appellants are all residential Educational Institutions and the vacancy of Physical Education Teachers (PET) were to be filled up. The appellants

have made a request to the TSPSC to fill up the vacancies by way of issuing recruitment notification. Accordingly, TSPSC has issued a notification vide Notification No.16/2017, dated 14.04.2017. In all, 616 posts were notified by the TSPSC for classes V to VIII. The minimum qualification prescribed for classes I to VIII is diploma, wherein, Graduates are also made eligible to apply and for classes IX to X, only Graduate candidates were made eligible. Learned counsel for the appellants had further contended that the National Counsel for Teacher Education (NCTE) has prescribed the minimum qualification vide notification, dated 12.11.2014. Accordingly, in tune with the qualification as prescribed by the NCTE, the TSPSC has issued a notification. Aggrieved by the said notification, the diploma holders have approached this Court by filing W.P.No.3019 of 2018 and the learned Single Judge was pleased to allow the writ petition vide order, dated 16.09.2019, wherein, the learned Single Judge had directed the appellants to segregate the posts between classes I to VIII or classes V to VIII and classes IX to X

and gave a finding that for classes I to VIII, only diploma holders are eligible, making Graduates ineligible for such post. Aggrieved by the said order passed by the learned Single Judge, the State and Graduate holders have approached this Court by filing W.A.Nos.210 of 2020, 938 of 2019, 105 of 2020, 160 of 2020, 21 of 2021, 10 of 2021 and 24 of 2021 and the Division Bench of this Court after hearing the case and on the submissions made by the Additional Advocate General has passed the following order:-

"4. In the course of submissions, learned Additional Advocate General states, on instructions, that the State may be permitted to comply with the directions issued in the impugned judgment, calling upon it to identify and segregate the PET posts that would be required to be filled up by those teachers, who would be imparting physical education to students studying in classes up to Class VIII and to those teachers, who would be imparting physical education to students studying in Classes IX and X in the respondents No.6, 8 to 11/Institutions. He submits that after the said segregation is done, the eligibility of the candidates for the subject posts shall be considered strictly in terms of the NCTE Regulations and on merit. It is submitted that once the appellant/State has agreed to separate the cadre of the teachers, who have applied for the PET posts into the posts that will be earmarked for PETs upto Class VIII and posts that will be earmarked for PETs for Class IX and X, then the remaining directions contained

in clauses (b) to (f) of Para 67 of the impugned judgment will go and a fresh list of selected candidates shall be published by the State by segregating the cadre as stated above, within two weeks.

5. *Mr. S. Rahul Reddy, learned counsel for the respondents No.1 to 5/writ petitioners and Mr.D.Prakash Reddy, learned Senior Counsel appearing for the appellants in W.A.Nos.938 of 2019 and 105 of 2020 are agreeable to the aforesaid submission.*

6. *Accordingly, with the consent of the parties, the present appeals are disposed of in terms of the submission made by learned Additional Advocate General, as recorded above along with the pending applications, if any. The appellant/State is directed to complete the entire exercise and publish the list of selected candidates in the two cadres at the earliest, preferably within two weeks from today."*

4. On perusal of the said order passed by the Division Bench, the directions issued by the learned Single Judge from clauses (b) to (f) were set aside and direction number (a) alone was confirmed and the recruitment process was about to conclude. However, the State Government has issued a memo on 08.12.2021, wherein, the State Government has taken a stand that for classes V to VIII, only diploma holders would be considered, which is contrary to the decision of the Division Bench. Aggrieved by the said memo, dated 08.12.2021, the Graduates have approached

this Court by filing subject W.P.No.488 of 2022 and the learned Single Judge instead of adjudicating whether the said memo is valid or not has allowed the writ petition vide order, dated 26.10.2022 and directed the TSPSC to issue fresh notification. Then the appellants have filed clarification petition and the learned Single Judge has passed orders on 15.11.2022 and directed the appellants and TSPSC to finalise the selections by considering the candidates of diploma holders for classes V to VIII and also consider the case of Graduates for classes VI to VIII and also for Classes IX to X. Thereafter, another clarification petition was filed by the State i.e., I.A.No.1 of 2023 and the diploma holders also filed Review Petition i.e. I.A.No.4 of 2023 along with delay application i.e., I.A.No.3 of 2023 and the learned Single Judge has again adjudicated the case and passed orders on 10.04.2023 by dismissing the Review Petition preferred by the diploma holders and passed orders on the clarification petition filed by the State that the diploma holders alone should be considered for class V; Diploma

holders and Graduates are eligible for classes VI to VIII and only Graduates are eligible for Classes IX to X.

5. Learned counsel for the appellants further contended that the appellants' institutions do not recruit class wise basis, but it is Institution wise, which recruits the PET teachers and wherever the PET teachers are recruited, they will be eligible to teach the students from Classes V to VIII and also for classes IX to X and recruitment is not feasible by segregating the post of PET in the appellants' institution. Therefore, that portion of the learned Single Judge where it directed that the appellants should segregate the PET posts for class V and Classes VI to VIII and classes IX to X is not feasible. Learned counsel further contended that the appellants are willing to consider the respondents in the appellants' institutions where there is only class V students and where the appellants make such recruitment for classes upto V, then the directions of the learned Single Judge will be considered and for class V wherever it is feasible only

diploma holders will be considered, in respect of institutions for Classes VI to VIII are concerned, the appellants will consider the diploma holders and Graduate Teachers and in respect of Classes IX to X are concerned the appellants will consider only the Graduate holders. Therefore, appropriate orders be passed to that effect.

6. On the other hand, learned counsel for the Graduates/respondents had contended that they have no objection because the entire issue was already adjudicated by the Division Bench in W.A.No.210 of 2020 and batch, dated 08.03.2023 and the Division Bench has held that the appellants and TSPSC shall segregate the PET post between Classes V to VIII and Classes IX to X. If the segregation is undertaken, then they have no objection if the appellants fill up the post with Graduates for classes VI to VIII and Classes IX to X. The diploma Holders though have argued that for primary classes, it is only the Diploma holders, who are eligible as per the law laid down by the Hon'ble

Justice A.K. Singh and Justice R.R. Nair

Supreme Court in ***Devesh Sharma V. Union of India***¹, wherein, the Hon'ble Supreme Court has categorically held that for the post of Primary teachers, for classes I to V, only diploma holders are eligible.

7. Learned counsel for Graduate holders had contended that for Class V, it is only diploma holders are eligible and in respect of classes VI to VIII are concerned both Diploma Holders and Graduates are eligible.

8. This Court, having considered the rival submissions made by the parties, is of the view that the learned Single Judge has passed the original orders on 26.10.2022, which were subsequently clarified vide order, dated 15.11.2022 and in another clarification petition, it was further clarified at the instance of the State Government on 10.04.2023. A perusal of the order passed by the learned Single Judge would make it very clear that for classes VI to VIII even the learned Single Judge has come to a

¹ Civil appeal No.5068 of 2023, dated 11.08.2023

conclusion that the diploma holders and Graduate holders are eligible. As far as directions for class V is concerned, where the appellants' educational institutions are not recruiting class wise recruitment, it is making recruitment as institution wise. Therefore, that portion of the learned Single Judge where it directed to fill up the post for class V exclusively may not be feasible, so wherever the appellants' institutions are making exclusively for class V then the directions of the learned Single Judge have to put an end or otherwise it is not necessary because the appellants' institutions are not recruiting the PET Post based upon class wise. It is as per the Institutions, wherever there is recruitment for class V, then the appellants are directed to consider only Diploma holders; in respect of Classes VI to VIII are concerned, the appellants shall consider the cases of both Diploma and Degree holders and in respect of classes IX to X are concerned, only Degree Graduates alone are eligible.

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9. With the above said observations, the Writ Appeal is disposed of. No costs.
10. As a sequel, miscellaneous applications pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date: 12.03.2024
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