

ITEM NO.17

COURT NO.1

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 15637/2022

(Arising out of impugned final judgment and order dated 07-12-2021 in WP(PIL) No. 122/2017 passed by the High Court For The State Of Telangana At Hyderabad)

KANIKE SRISAILA MALLIKARJUN**Petitioner(s)****VERSUS****THE STATE OF TELANGANA & ORS.****Respondent(s)****(FOR ADMISSION and I.R.)**

(IA No.83809/2022-PERMISSION TO FILE PETITION SLP AND IA No.83808/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH**SLP(C) No. 12943/2022 (XII-A)****(FOR ADMISSION and I.R.)**

Date : 19-09-2022 These petitions were called on for hearing today.

CORAM :**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE AJAY RASTOGI****HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

For Petitioner(s) **Mr. C. Nageswara Rao, Sr. Adv.**
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For Respondent(s) **Mr. C.S. Vaidyanathan, Sr. Adv.**
 Mr. P.Venkat Reddy, Adv.
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 Mr. P. Srinivas Reddy, Adv.
 Mr. Vinayak Goel, Adv.
 M/S. Venkat Palwai Law Associates, AOR

Mr. Sumit Sharma, Adv.
Mr. Aditya Kr. Archiya, Adv.
Mr. Amit K. Nain, AOR

Mr. Sadineni Ravi Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Permission to file special leave petition is granted.

We have heard learned counsel for the petitioners as well as some of the respondents, who have entered appearance on caveat.

The order dated 07.12.2021 passed by the High Court in Writ Petition (PIL) No.122/2017 was premised on the ground that on the earlier occasion, the writ petitioners before the High Court had filed substantive challenge which was rejected on the ground that a Public Interest Litigation would not be maintainable.

The petition [SLP(C) @ Diary No.15637/2022] has now been filed by somebody who was not a party to the proceedings before the High Court and the petition submits *inter alia* that the actions on part of the State Government in regularizing the services of the concerned employees were unsustainable in law.

The second petition [SLP(C) No.12943/2022] arises out of the Order dated 07.06.2022, where a subsequent challenge raised by the writ petitioners was rejected on the ground that the earlier

challenges had not met with success in the High Court.

Both the orders show that the matters were not considered on merits and the matters were disposed of on technical issues such as whether the public interest litigation would be maintainable and whether the petitioners could have raised the second challenge.

We have also been apprised that the challenge to the G.O in question which sought to regularize the services is presently pending consideration before the High Court for the State of Telangana in Writ Petition (Transferred) No.5972/2017.

In the circumstances, in our view, the present petitioners could either be parties to the pending proceedings or can raise challenges either through impleadment or intervention applications.

Granting them liberty to raise such challenge, we dispose of the present petitions and pending applications accordingly.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER