

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA**

WRIT APPEAL NO: 90 OF 2025

Writ Appeal under clause 15 of the Letters Patent is therefore prayed that this Honble Court may be pleased to set aside the order passed in W P No.19615 of 2015, dated 26-09-2022 and review orders in IA. No. 1 of 2023, dated 25-07-2024.

(Amended Grounds as per C.O. dt. 17/02/2025. Vide IA. No. 3 of 2025) on the file of the High Court.

Between:

1. The State of Telangana, Rep. by its Principal Secretary, School Education, Secretariat Building of State of Telangana, Hyderabad
2. The Commissioner and Director of School Education, Telangana, Hyderabad.
3. Regional Joint Director of School Education, Hyderabad.
4. The District Educational Officer, Nagarkurnool District.

...APPELLANTS/RESPONDENTS 1 to 4

AND

1. K.Yadagiri, S/o. Buchaiah, aged 50 years, Occ. Hindi Teacher, R/o. H.No.13-77, Laxmi Nagar, Market Yard, Nagar Kurnool (Village and Mandal), Mahbubnagar District, State of Telangana.

...RESPONDENT/PETITIONER

2. Sri Vani Vidyalayam, Rep. by its correspondent, Nagar Kurnool, Mahbubnagar District.

...RESPONDENT/RESPONDENT

IA NO: 2 OF 2025

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 It is therefore prayed that this Honble Court may be pleased to suspend the order

passed in WP No.19615 of 2015 dated 26/09/2022 and review orders in IA. No. 1 of 2023 dated 25/07/2024 during the pendency of the appeal.

(Interim Prayer is amended as per C.O. dt. 17/02/2025 Vide IA No 3 of 2025)

Counsel for the Appellant: SRI G. PRASANTH, ASST. GP FOR SERVICES I

Counsel for the Respondent No.1: Ms. K. KIRAN MAYEE

Counsel for the Respondent No.2: SRI P. RAJASEKHAR

The Court delivered the following: JUDGMENT

**THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA**

WRIT APPEAL No.90 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul):*

Sri G. Prasanth, learned Assistant Government Pleader for Services-I, for the appellants and Ms. Kiran Mayee, learned counsel for respondent No.1/writ petitioner.

2. With the consent, finally heard.

3. This Intra-court appeal assails the order dated 26-09-2022 passed by a learned Single Judge of this Court in W.P.No.19615 of 2015.

4. The admitted facts between the parties are that the writ petition was filed by respondent No.1 to declare the inaction of appellant No.3 in approving the proposal dated NIL-10-2013 in Rc.No.34 of 2013 submitted by respondent No.2 herein.

5. The case of respondent No.1 was that he was working with respondent No.2-Institution since 1988. Respondent No.1 prayed for absorbing him against a post which receives grant-in-aid from the Government. The proposal was made by respondent No.2-Institution dated NIL-10-2013 which was

pending consideration before appellant No.4. Since appellant No.4 had not taken any decision on the proposal dated NIL-10-2013, the instant writ petition was filed.

6. The appellants filed counter in the writ petition and the principal stand therein was that there existed a ban because of which the claim of absorption and recommendation of respondent No.2 was not considered. Learned Single Judge considered the rival contentions and after considering the previous round of litigation assailing ban, which travelled to Supreme Court, opined that there existed no ban. Learned Single Judge directed the appellants to approve the proposal of respondent No 2 dated NIL-10-2013 in Rc.No.34 of 2013 within three weeks.

7. Learned counsel for the appellants raised singular contention. He submits that the appellants, under the impression that there existed a ban, did not consider the recommendation of respondent No.2. Since ban does not exist in view of order of this Court and disposal of SLP, at best, directions could have been issued to take a decision on the proposal of respondent No.2 within stipulated time. Learned Single Judge was not justified in approving the proposal and therefore, to that extent, interference may be made.

8. Learned counsel for respondent No.1 supported the impugned order and submits that no fault can be found in the impugned order because the only defense taken by the appellants in their counter before the learned Single Judge was relating to the ban.

9. No other point is pressed.

10. In view of the findings given by the learned Single Judge in paragraph Nos.10 and 11, it is clear that ban has lost its significance and was no more in operation. Thus, singular reason for not considering the recommendation of respondent No.2, based on a non-existing ban or the ban which pales into insignificance, cannot be a reason to deprive respondent No.1 from right of consideration. However, we find substance in the argument of learned counsel for the appellants that if ban could not have been a reason for non-consideration, the direction could have been issued only to consider respondent No.1 for absorption which was essentially an administrative decision to be taken. In our view, exercise of absorption is essentially a managerial/administrative function which needs to be taken on relevant parameters by the concerned administrative authority. It was not open to the writ Court to issue direction for approval

of the proposal which is yet to be considered by appellant No.4 on its own merits.

11. Resultantly, while upholding the reasoning of the learned Single Judge in the impugned order, we deem it proper to modify paragraph No.13 of the impugned order by directing that it will be the duty of appellant No.4 to take a decision on aforesaid proposal within two months from the date of communication of copy of this order. The said consideration shall be as on the date proposal was made. The outcome shall be communicated to respondent No.1.

12. With aforesaid and without expressing any opinion on merits of the case, the Writ Appeal is **partly allowed** to the extent indicated above. No costs.

Interlocutory applications, if any pending, shall also stand closed.

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SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

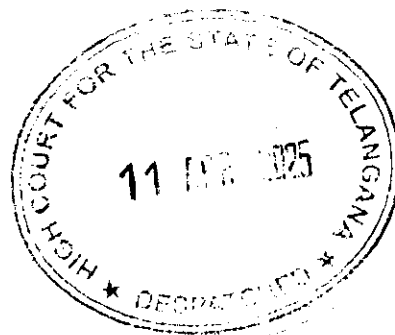
1. K.Yadagiri, S/o. Buchaiah, aged 50 years, Occ. Hindi Teacher, R/o. H.No.13-77, Laxmi Nagar, Market Yard, Nagar Kurnool (Village and Mandal), Mahbubnagar District, State of Telangana.
2. The correspondent, Sri Vani Vidyalayam, Nagar Kurnool, Mahbubnagar District.
3. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana. [OUT]
4. One CC to Ms. K. KIRAN MAYEE, Advocate [OPUC]
5. One CC to SRI P. RAJASEKHAR, Advocate [OPUC]
6. Two CD Copies

BN
LS

[Handwritten signature]

HIGH COURT

DATED:26/03/2025



JUDGMENT

WA.No.90 of 2025

**PARTLY ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(9)
9/4/25
MT