

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

**THURSDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NOS: 1110 AND 1186 OF 2024

W.A.NO: 1110 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 06/03/2024 in W.P.No.8455 of 2022 on the file of the High Court.

Between:

1. The Jawaharlal Nehru Technological University, Hyderabad Rep by it's Registrar, Kukatpally, Hyderabad- 500085.
2. The Executive Council, Rep. by it's Chairman, The Jawaharlal Nehru Technological University Hyderabad

...APPELLANTS/RESPONDENTS No.1 & 2

AND

1. Smt. Madhavapeddy Sneha, D/o Mahavapeddy Ramesh, aged.35 years, Occ. Service, JNTUH StaffnQuarters, JNTUH Campus, Kukatpally, Hyderabad- 500085.

...RESPONDENT/WRIT PETITIONER

2. Sri.G.Damoder Reddy, S/o Sri.G.arsi Reddy, Aged about 58 years, Occ.Asst.Registrar, JNTUH Office, Jagityal, 505501.

...RESPONDENT/RESPONDENT

IA NO: 2 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 order dated 06-03-2024 passed by the learned Single judge in W.P.No.8455 of 2022, pending disposal of the main Writ Appeal in the interest of justices.

**Counsel for the Appellants: SRI A.SUDARSHAN REDDY, THE ADVOCATE
GENERAL**

Counsel for the Respondent No.1: SRI J.SUDHEER

**Counsel for the Respondent No.2: SRI G.SIVA, SENIOR COUNSEL FOR
SMT. L.PRANATHI REDDY,**

W.A.NO: 1186 OF 2024

Writ Appeal under clause 15 of the Letters Patent filed against the order
Dated.06/03/2024 in writ petition No 8455 of 2022. on the file of the High Court.

Between:

Sri G Damodar Reddy, S/o Sri. G. Narsi Reddy, Aged about 58 years, Occ.
Asst. Registrar, at Office of The Principal, JNTUH University College Of
Engineering, Jagityal, Kodimial (M), Nachupally(V), Jagityal Dist, 505501.

...APPELLANT/RESPONDENT 3

AND

1. Madhavapeddy Sneha, D/o Madhavapeddy Ramesh, Age 33 years, Occ .
Service, R/o B3/6, Staff Quarters ,JNTLTH Campus, Kukatpally Hyderabad
500 085

...RESPONDENT/WRIT PETITIONER

2. The Jawaharlal Nehru Technological University (H) Hyderabad, Rep by its
Registrar at Kukatpally, Hyderabad-500085
3. The Executive Council, Rep by its Chairman The Jawaharlal Nehru
Technological University (H), at Kukatpally, Hyderabad500085

...RESPONDENTS/RESPONDENTS

IA NO: 3 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 operation of the order of the Learned Single Judge dated 06-03-2024
in the Writ Petition No. 8455 of 2022 so as to enable the Appellant/ Respondent
No. 3 to continue to discharge his duties as Assistant Registrar, pending final
disposal of the appeal.

**Counsel for the Appellant: SRI G. SIVA, SENIOR COUNSEL FOR
SMT. PRANATHI REDDY L**

Counsel for the Respondent No.1: SRI J.SUDHEER

**Counsel for the Respondent Nos.2 & 3: SRI A.SUDARSHAN REDDY,
THE ADVOCATE GENERAL**

The Court made the following: COMMON JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL Nos. 1110 AND 1186 OF 2024

COMMON JUDGMENT:

Since the issues that arise in the above writ appeals are integrally one and the same, the writ appeals are being disposed of by this Common Judgment.

2. These Writ Appeals are directed against the judgment dated 06.03.2024, passed by the learned Single Judge in W.P.No.8455 of 2022.

3. For the sake of convenience and clarity, the parties are referred to as arrayed in the writ petition *viz.*, W.P.No.8455 of 2022.

4. W.A.No.1110 of 2024 is filed by respondent Nos.1 and 2 in the subject writ petition.

5. W.A.No.1186 of 2024 is filed by respondent No.3 in the subject writ petition.

6. The writ petitioner is respondent No.1 in both the appeals.

7. By the impugned order, the learned Single Judge allowed the writ petition filed by the writ petitioner and directed respondent No.1 (Jawaharlal Nehru Technological University

(JNTU)) to consider her eligibility for the post of Assistant Registrar; and if the petitioner was found more meritorious and suitable than respondent No.2 in the writ petition, to take necessary action in accordance with law.

8. Heard Sri A.Sudarshan Reddy, learned Advocate General for the State of Telangana on behalf of the appellants-JNTU and its Executive Council (respondents Nos.1 and 2 in the writ petition) in W.A.No.1110 of 2024 and respondent Nos.2 and 3 in W.A.No.1186 of 2024; Sri J.Sudheer, learned counsel for respondent No.1; Sri G.Siva, learned Senior Counsel representing Smt. L.Pranathi Reddy learned counsel for the appellant in W.A.No.1186 of 2024 and respondent No.2 in W.A.No.1110 of 2024 and perused the record.

Factual Matrix (in brief)

9. The factual background, necessary for the adjudication of this appeal, is as follows:

- i. The writ petitioner was initially appointed as a Junior Assistant in the Ministerial Service of respondent No.1- University on compassionate grounds in the year 2008.
- ii. In the year 2011, pursuant to an internal notification, the writ petitioner was appointed by transfer to the post of Technical Assistant Grade-I, which falls under the Subordinate (Technical) Service.
- iii. The writ petitioner passed several departmental tests conducted by the Telangana State Public Service Commission (for short 'TSPSC'). Believing herself to be

eligible, the writ petitioner made a representation dated 09.11.2020 seeking promotion/appointment by transfer to the post of Assistant Registrar, which is classified under the Administrative Service.

- iv. The Executive Council of respondent No.1-University, in its 55th meeting held on 18.01.2021, resolved that writ petitioner was not eligible for transfer from Subordinate Service (Technical) to Administrative Service. The same was communicated to the writ petitioner. Subsequently, respondent No.3 was promoted from the post of Superintendent (a post in the Ministerial Service) to the post of Assistant Registrar. The relevant portion of the minutes of the 55th meeting held on 18.01.2021 order is extracted as under:

Resolution:

The Council has examined the item and resolved that Smt.M.Sneha, Technical Assistant Grade-I is not eligible for transfer of service from Subordinate Service (Technical) to Administrative Service.

Further resolved to sanction the EoL for the B. Tech. study period as she has completed her B.Tech. In day time.

Also resolved to write a letter to the Government for ratification of the University orders for her appointment by transfer as Technical Assistant Grade - I as suggested by the State L.F. Audit.

10. Being aggrieved by the action of respondent No.1-University in rejecting her application and appointment of respondent No.3, the writ petitioner filed the underlying writ petition.

Submissions of the learned Advocate General on behalf of respondent Nos.1 and 2

11. Learned Advocate General on behalf of respondent No.1-University raised the following contentions:

- a) Error in interpreting the Statute XIV: The Clause 12 of Statute XIV of the First Statutes under the JNTU Act, 1972 is extracted as under:

12. QUALIFICATIONS FOR DIRECT RECRUITMENT:

(1) (a) No person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority, that;

(i) he is of sound health, active habits and free from any bodily defect or Infirmary rendering him unfit for such service;

(ii) his character and antecedents are such as to qualify him for such service;

(iii) he possesses the academic and other qualifications prescribed for the post; and

(iv) he is a citizen of India;

Provided that no candidate other than a citizen of India may be appointed except with the previous sanction of the State Government and except in accordance with such conditions and restrictions as they may be laid down. Such sanction shall not be accorded unless the State Government are satisfied that sufficient number of citizens of India, who are qualified and suitable are not available.

(v) No person shall be eligible for direct recruitment, If he is less than 18 years of age and unless otherwise specified in the special or adhoc rules and if he is more than 34 years of age as on the 1st day of July of the year in which the notification for selection to the relevant post, category or class or a service is made:

Provided that nothing in this sub-rule shall apply for direct recruitment to all the categories and posts in the Police Subordinate Service and in the Special Armed Police Service of the State of Telangana.

(b) The maximum age limit prescribed in the Special Rules for direct recruitment to a post shall be raised:-

(i) Uniformly by 5 years in the case of candidates belonging to the SCs or STs or BCS specified in Schedule-I of these rules:

NB: The age concession in favour of Scheduled Castes / Scheduled Tribes will be in force up to 31.5.2016.

NB: The age concession In favour of BCs will be in force till the end of May, 2021.

Provided that in the case of SCs and STs, the maximum age limit prescribed for other communities in the Special rules shall be raised uniformly by 10 years for the purpose of limited direct recruitment.

NB: This age concession In favour of Scheduled Castes / Scheduled Tribes shall be in force till the end of May, 2016.

(ii) Uniformly by 10 years in the case of Persons With Disabilities:

NB: This concession shall be in force till the end of May, 2021.

(iii) In the case of widows, divorced women and women judicially separated from their husbands, who are not remarried, the maximum age limit for direct recruitment to posts carrying a scale of pay equal to Junior Assistants or less, shall not exceed 40 years In the case of SCs and STs candidates and 35 years in the case of others:

Provided that for compassionate appointment to the spouse of deceased Government employee, the upper age limit shall be 45 years Irrespective of the community.

(c) When direct recruitment is to be made to any State or Subordinate Service by examination or selection, -

(i) a person who worked in the armed forces of the Indian Union, shall be allowed to deduct from his age a period of three years in addition to the length of service rendered by him in the armed forces for purposes of the maximum age limit;

(ii) a person who was recruited as a whole-time Cadet Corpse Instructor on or after the 1st January, 1963 on his discharge from the NCC either before or after the expiry of the initial or extended tenure of his office in NCC having served for a period of not less than six months prior to his release from the NCC shall, subject to the production of a certificate to that effect that he has been released from the NCC be allowed to deduct from his age a period of three years in addition to the length of service rendered by him In the NCC for purposes of maximum age limit:

Provided that the person referred to In sub-rules (1) and (ii) above shall, after making the deductions referred on in the sub-rules shall not exceed the maximum age limit prescribed for the post.

(iii) a person already in service of the State Government, who has been appointed regularly, shall be allowed to deduct from his age the length of regular service under the State Government up to a maximum of five years for purposes of the maximum age limit

(2) The minimum General Educational Qualifications wherever referred to in these or special rules shall be the qualifications prescribed in Schedule-II of these rules.

(3) (a) A candidate should possess the academic qualifications and experience Including practical experience prescribed, If any, for the post, on the date of the notification for direct recruitment issued by the concerned recruiting agency.

(b) No person shall be eligible for appointment to a post by promotion or appointment by transfer, unless he possesses the academic qualifications and technical or other qualification and has passed the departmental and other tests and has satisfactorily completed any course or training

prescribed in the special rules as a prerequisite qualification for the post, to which he is to be appointed by promotion or by transfer.

(4) Disqualification for appointment:-

(a) A candidate shall be disqualified for appointment if he himself or through relations or friends or any others has canvassed or endeavored to enlist for his candidature extraneous support, whether from official or non-official sources for appointment to any State or Subordinate Service.

(b) No person who has more than one wife living or who has spouse living, marries in any case, in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment by direct recruitment to any State or Subordinate Service.

(c) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment by direct recruitment to any State or subordinate Service.

(d) No person who has been dismissed from a State or Central Government service or from the service of Central or State Government undertaking or local or other authorities or who has been convicted by a court of law for an offence involving moral turpitude shall be eligible for appointment to any State or Subordinate Service.

It is submitted that the learned Single Judge fundamentally erred in relying upon Clause 12 of Statute XIV of the First Statutes of respondent No.1-University to hold that the writ petitioner was eligible. The learned Advocate General argued that Clause 12 merely prescribes the methods of appointment such as open competition, promotion, for broad service categories. But, it does not, and cannot, prescribe the detailed qualifications, eligibility criteria, or feeder cadres for specific posts, and to read it as permitting a free-flowing transfer from one service to any other service is an erroneous over-simplification.

- b) Absence of specific recruitment Rules & Role of Executive Council: The learned Advocate General emphasized that for the post of Assistant Registrar, no specific statutory

recruitment Rules detailing qualifications and feeder cadres have been framed. In such a vacuum, Executive Council, being the highest executive body of respondent No.1-University under the Jawaharlal Nehru Technological University Act, 1972 (for short 'JNTU Act'), is empowered to issue executive instructions and resolutions to govern appointments. The resolutions passed in the X and XI meetings of the Executive Council, which clearly state that the post of Assistant Registrar shall be filled by promotion from the post of Superintendent, have been in continuous practice since 1993. This settled practice, which was evolved on account of administrative necessity, carries great weight.

- c) Violation of Established Service Classification: It is submitted that respondent No.1-University's services are distinctly classified under Statute XIV(1) into Academic, Administrative, Ministerial, Subordinate (Technical), etc., which are created for a functional purpose. It was argued that the post of Superintendent is the recognized feeder cadre for Assistant Registrar, bridging the Ministerial and Administrative services. The writ petitioner, belonging to the Subordinate (Technical) Service, cannot bypass into the Administrative Service without first being integrated into the recognized channel of promotion, i.e., the Ministerial Service, and rising to the level of Superintendent.
- d) Misapplication of Telangana State and Subordinate Service Rules, 1996: Rule 8 of the Telangana State and Subordinate Service Rules, 1996 (for short 'the Rules, 1996') is extracted as under:

8: Eligibility for promotion or appointment by transfer :-For appointment to a higher post either by promotion from one category to another within a service or by appointment by

transfer from one service to another service, a member of a service or class of a service, shall have satisfactorily completed his probation in the category from which he is proposed to be promoted or appointed by transfer to such higher post.

It is submitted that the learned Single Judge's reliance on Rule 8 of the Rules, 1996 is misplaced. It is argued that the said rule merely states a general principle of eligibility, and the said rule applies if such a transfer is permitted by the specific recruitment rules. It is submitted that the said Rule does not create a right to be transferred from one service to another. It is also submitted that the respondent No.1- University's own statutes and settled executive resolutions have created a specific framework and the general state rules cannot override them.

- e) Scope of judicial review: The learned Advocate General argued that the learned Single Judge exceeded the limits and the scope of judicial review. It is argued that the decision of the Executive Council was neither arbitrary nor *mala fide*. It was based on a rational interpretation of the service structure, and the writ Court cannot substitute its own view for that of the academic and administrative body in determining the appropriate feeder cadre and necessary administrative experience.

Submissions of Sri J.Sudheer, learned counsel for the writ petitioner

12. Learned counsel for the writ petitioner, supporting the impugned order of the learned Single Judge, vehemently argued the following:

- a) By placing reliance on Clause 12 of Statute XIV, it is argued by the learned counsel that the said clause

explicitly permits "in-service personnel who possess the qualifications" to appear for selection to posts in the Academic and Administrative Services, and the writ petitioner, being an in-service candidate who has passed all requisite departmental tests, fulfils this criterion and cannot be excluded from consideration.

- b) The learned counsel submitted that the writ petitioner, who was earlier serving in the Ministerial Service as a Junior Assistant, had been transferred by respondent No.1-University to the Subordinate (Technical) Service as a Technical Assistant. To justify such transfer, respondent No.1-University had itself invoked Rule 8 of the State and Subordinate Service Rules. It was argued that the same principle ought to apply in the case of transfer to the Administrative Service as well, as respondent No.1-University cannot be permitted to approbate and reprobate. It is further argued that respondent No.1-University cannot adopt inconsistent stands to justify its illegal and arbitrary action.
- c) The learned counsel also submitted that denying the writ petitioner a chance to be considered, despite her superior qualifications (B.Tech, MBA and qualification of multiple departmental tests), while promoting others who have passed all tests, is arbitrary and violates Articles 14 and 16 of the Constitution.
- d) The learned counsel further stated that the rejection of the writ petitioner's representation by the Executive Council was by a cryptic non-speaking order, which was rightly interfered with by the learned Single Judge.

Consideration by this Court

13. Upon a careful consideration of the rival submissions, the statutory provisions and the precedents relied upon, this Court finds considerable merit in the contentions advanced on behalf of respondent No.1-University, for the following compelling reasons:

I. Misplaced reliance on Statute XIV (12):

14. The interpretation placed by the learned Single Judge on Clause 12 of Statute XIV is legally untenable. Clause 12 is a general enabling provision prescribing the broad modes of recruitment. It provides that appointments to the Administrative Service shall be made by open competition, permitting in-service personnel to participate. However, the said provision does not define the category of in-service personnel who are eligible to compete for such posts.

15. Further, the language of Clause 12 cannot be extended to imply that every in-service employee, irrespective of cadre or classification, such as, Technical Assistant, Librarian, or Laboratory Attendant is eligible for appointment to the post of Assistant Registrar. Such an interpretation would disrupt the established cadre structure and defeat the purpose of maintaining distinct service classifications within the University. The rule of interpretation *generalalia specialibus non derogant* (general provisions do not derogate from special ones)

used to resolve contradictions in the statutes would apply to the present case. The specific rule governing eligibility is found in the long-standing administrative practice and resolutions of the Executive Council, which clearly identify the feeder cadre for appointment or promotion to the post of Assistant Registrar and that specific Rule, would govern the general. The learned Single Judge's contrary view overlooks this governing framework and therefore, cannot be sustained.

II. The Primacy of the Executive Council's Resolutions:

16. It will not be out of the context to note that in the absence of specific statutory recruitment rules, it is both permissible and necessary for the Executive Council, being the highest executive body under the JNTU Act, to prescribe service conditions and to regulate recruitment through duly passed resolutions. The resolutions adopted in 1993, designating the post of Superintendent, as the feeder cadre for appointment to the post of Assistant Registrar, constitute a conscious and reasoned policy decision. This policy has been consistently adhered to for over three decades, thereby giving rise to legitimate expectations and forming the basis of settled seniority structures within the University administration.

17. It is now well-settled that a long-standing and consistent administrative practice, when not repugnant to the parent statute, carries substantial persuasive value and is entitled to

judicial recognition. Therefore, the learned Single Judge, in disregarding this settled institutional policy and administrative continuity, failed to accord due deference to the legitimate exercise of policy-making authority of the Executive Council for functional administrative arrangements.

III. The Distinct Nature of Service Classifications:

18. It is to be noted that the classification of services under Statute XIV(1) is purposeful and cannot be disregarded as superfluous. Each service, such as, Academic, Administrative, Ministerial, and Subordinate (Technical) is distinct in function, skill, and responsibility. The post of Assistant Registrar, being a core administrative position, requires experience in academic governance, finance, and personnel management, for which the post of Superintendent serves as the feeder cadre.

19. Further, the duties of a Technical Assistant Grade-I, confined to technical and laboratory functions, are not comparable in nature or scope to that of a Superintendent. The respondent No.1-University's policy of restricting direct movement from a technical subordinate post to a senior administrative position is, therefore, founded on an *intelligible differentia* and has a rational nexus with the object of maintaining efficiency and administrative coherence. Thus, such a classification is reasonable and does not violate Article 14 of the Constitution of India.

IV. Misplaced Reliance on Rule 8 of State Rules and the writ petitioner's Past Transfer:

20. The writ petitioner's reliance on her earlier transfer and Rule 8 of the State and Subordinate Service Rules is misconceived. The prior transfer from Junior Assistant to Technical Assistant was confined to the subordinate, non-gazetted cadre and was treated as an exceptional case requiring audit justification and Government ratification, which remains pending. Such an irregular and contested instance cannot be invoked as a precedent to claim a vested right for inter-service transfer.

21. Rule 8 of the State Rules, on a plain reading, merely prescribes the eligibility condition and does not, by itself, create a substantive right to seek transfer. The applicability of Rule 8 is contingent upon permissive provisions in the relevant special or institutional rules. Thus, in the present case, the University's framework, as defined by its executive resolutions, does not permit direct transfer from the Technical to the Administrative Service, and thereby the writ petitioner's claim is therefore, legally untenable.

V. The Scope of Judicial Review:

22. This Court is of the considered view that the scope of judicial review in matters of administrative appointments is

limited to examine whether the decision suffers from arbitrariness, *mala fides*, or violation of statutory provisions. It is not for this Court to determine the appropriate feeder cadre or to weigh the comparative merits of administrative and technical experience. The decision of the Executive Council, being based on a rational and time-tested policy, cannot be termed perverse or illegal to warrant interference under Article 226 of the Constitution of India. The learned Single Judge, however, exceeded the limits of judicial review by intruding into the policy domain and directing reconsideration contrary to the respondent No.1-University's established service framework and institutional autonomy.

23. In the light of the aforesaid discussion, this Court is of the view that the writ petitioner did not fulfil the essential eligibility criterion for being considered for the post of Assistant Registrar, as she was not holding the post of Superintendent or any other post in the recognized channel of promotion and that the appointment of respondent No.2 was in accordance with the established practice and resolutions of respondent No.1-University.

24. For the foregoing reasons, we hold that the impugned order dated 06.03.2024 of learned Single Judge suffers from infirmity warranting interference by this Court. The impugned

order dated 06.03.2024 passed by the learned Single Judge in W.P.No.8455 of 2022 is liable to be set aside.

25. Accordingly, the Writ Appeals are allowed and the impugned order dated 06.03.2024 passed by the learned Single Judge in W.P.No.8455 of 2022 is set aside. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

**SD/-K.SAILESHI
JOINT REGISTRAR**



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SECTION OFFICER

To

1. The Registrar, Jawaharlal Nehru Technological University, Hyderabad
Kukatpally, Hyderabad- 500085.
2. The Chairman, Executive Council, The Jawaharlal Nehru Technological
University Hyderabad
3. Two CCs to THE ADVOCATE GENERAL, High Court for the State of
Telangana, at Hyderabad. [OUT]
4. One CC to SRI J.SUDHEER, Advocate [OPUC]
5. One CC to SMT. L.PRANATHI REDDY, Advocate [OPUC]
6. Two CD Copies

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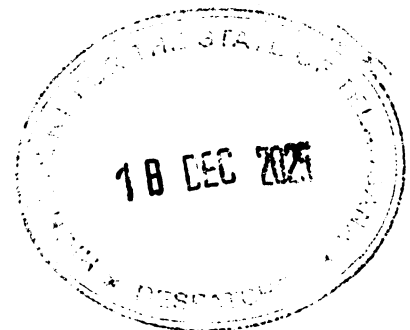
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HIGH COURT

DATED:06/11/2025

COMMON JUDGMENT

WA.Nos.1110 AND 1186 of 2024



**ALLOWING THE WRIT APPEALS
WITHOUT COSTS**

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