

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

**THURSDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

WRIT APPEAL NO: 876 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the order dated 28/02/2025 Passed in W.P.No 28768 of 2016 on the file of the High Court.

Between:

Gulam Jeelani, S/o. Late Sri Gulam Afzal, Aged about 34 years,
Occ. Attender, Govt. Aided Islamia High School, Sherpura, Warangal,
Warangal District

...APPELLANT/WRIT PETITIONER

AND

1. The Government of Telangana, Rep by its Principal Secretary to Government, School Education Department, Secretariat Buildings, Hyderabad, T.S.
2. The Commissioner and Director of School Education, State of Telangana, Hyderabad.
3. The Regional Joint Director, School Education, Warangal.
4. The District Educational Officer, Warangal Urban, Warangal District.
5. The Government Aided Islamic High School, Rep. by its Correspondent and Secretary, Warangal, Warangal District.

...RESPONDENTS

IA NO: 1 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 to suspend the operation of the order in Review I.A.No.1/2024 dated 28.02.2025 in W.P.No.28768/ 2019 in allowing the Review Petition and recalling the order dated 15.11.2022 passed in the W.P.No.28768/2019 by the Learned Single Judge pending the above writ appeal.

Counsel for the Appellant: SRI RAMACHANDAR RAO VEMUGANTI

**Counsel for the Respondent Nos.1 to 4: SRI S. RAHUL REDDY, SPECIAL GP
ATTACHED TO THE OFFICE OF THE ADDITIONAL ADVOCATE GENERAL**

Counsel for the Respondent No.5: ---

The Court made the following: JUDGMENT

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

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

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.876 of 2025

DATE: 08.01.2026

BETWEEN:

Gulam Jeelani

....Appellant

AND

The Government of Telangana,
rep. by its Principal Secretary to Government,
School Education Department and four others

....Respondents

JUDGMENT

Heard Sri Ramchandrar Rao Vemuganti, learned counsel for the appellant; and Sri S. Rahul Reddy, learned Special Government Pleader attached to the office of the learned Additional Advocate General appearing for respondent Nos.1 to 4 and perused the material on record.

2. The present Writ Appeal is directed against the order dated 28.02.2025 passed in Review I.A. No.1 of 2024 in W.P.No.28768 of 2019, whereby the learned Single Judge recalled the earlier order dated 15.11.2022 and dismissed the writ petition, holding that the appointment of the appellant on compassionate grounds was made subsequent to the imposition of the ban on appointments in aided posts and was, therefore, impermissible in law.

3. The factual matrix, in the present case, is that the appellant's father, who was working as an Attender in the 5th respondent-School, an aided minority institution, died in harness on 05.12.2003. Consequent thereto, the appellant's mother submitted a representation dated 30.06.2004 seeking appointment on compassionate grounds. The management of the 5th respondent-School appointed the appellant as an Attender on 27.01.2005 and forwarded a proposal dated 05.02.2005 to the 4th respondent seeking approval of the said appointment.
4. Prior thereto, the State Government had imposed a ban on creation and filling up of aided posts *vide* Memo No.12080/COSE/A2/2004-4 dated 20.10.2004. The said ban was subsequently clarified to be applicable even to appointments on compassionate grounds *vide* Memo No.8544/PS-1/2005-3 dated 14.11.2005. The appellant earlier approached this Court by filing W.P. No.22262 of 2011, which was disposed of with a direction to consider his case. Pursuant thereto, the 4th respondent rejected the proposal for approval *vide* proceedings dated 28.10.2019.
5. Aggrieved thereby, the appellant filed W.P.No.28768 of 2019, which was allowed by the learned Single Judge by order dated 15.11.2022, directing the respondents to consider the appellant's case for approval without reference to the ban order. The said order was carried in appeal in W.A. No.846 of 2022 by the appellant;

however, the writ appeal was dismissed on 21.06.2023, affirming the direction issued by the learned Single Judge. Thereafter, the respondents filed Review I.A. No.1 of 2024 before the learned Single Judge. By order dated 28.02.2025, the learned Single Judge allowed the review, recalled the order dated 15.11.2022 and dismissed the writ petition.

Contentions of the appellant

6. The appellant, in this appeal, has raised several grounds, contending as under:

- (i) That the exercise of review jurisdiction was barred by the principles of finality, inasmuch as the order of the learned Single Judge had already been affirmed by the Division Bench in W.A. No.846 of 2022.
- (ii) That the ban imposed by the State Government vide Memo dated 20.10.2004 did not extend to appointments on compassionate grounds until the issuance of the clarification dated 14.11.2005 and, since the appellant was appointed on 27.01.2005, the said ban had no application to his case.
- (iii) That the learned Single Judge, while exercising review jurisdiction, erred in distinguishing the Judgments in W.P. No.15621 of 2007 and W.P. No.21938 of 2012, which had been relied upon while passing the earlier order.
- (iv) That the review application was filed with a delay of 301 days without proper explanation or condonation and was, therefore, erroneously entertained.

Contentions of the respondents

7. The learned Special Government Pleader, while supporting order passed in review, contended as under:

- (i) That the order sought to be reviewed suffered from an error apparent on the face of the record, inasmuch as the learned Single Judge had relied upon precedents applicable to cases where appointments were made prior to the imposition of the ban, whereas, in the present case, the appellant's appointment was made after the ban came into force.
- (ii) That the appellant had suppressed the material fact of having sought and obtained leave from the Division Bench in W.A. No.846 of 2022 to move a review petition before the learned Single Judge, which fact was not disclosed in the review proceedings.
- (iii) That the ban imposed *vide* Memo dated 20.10.2004 was prospective and applicable to all appointments in aided posts, including appointments on compassionate grounds, and that the subsequent Memo dated 14.11.2005 was merely clarificatory in nature and, therefore, operated retrospectively.
- (iv) That the delay in filing the review petition was duly condoned and that the review was rightly allowed on merits in the interest of justice.

8. We have taken note of the respective contentions urged.

Analysis and reasons

9. It is pertinent to note that the power of review under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure is limited and cannot be equated with appellate jurisdiction. In the present case, the learned Single Judge found that the earlier order proceeded on a misapplication of precedents relating to appointments made prior to the ban, whereas the appellant's appointment was admittedly made after the ban. Such misapplication constituted an error apparent on the face of the record, warranting exercise of review jurisdiction.

10. It is also borne out from the record that the State had sought leave of the Division Bench in W.A. No.846 of 2022 to file Review petition before the learned Single Judge, which fact was not disclosed by the appellant. Suppression of a material fact, particularly one having a bearing on the maintainability of the proceedings, disentitles a litigant to discretionary relief and justifies the learned Single Judge's order in Review, warranting no interference in the present appeal.

11. It is to be noted that the ban on creation and filling up of aided posts was imposed *vide* Memo dated 20.10.2004. The contention that the ban did not extend to compassionate appointments until the issuance of the clarification memo dated 14.11.2005 is misconceived. The subsequent memo is clarificatory in nature and merely

elucidates the scope and intent of the earlier ban. As held by the Hon'ble Supreme Court in ***Government of Andhra Pradesh v. Sri Sevadas Vidyamandir High School***¹, administrative instructions are ordinarily prospective unless expressly or by necessary implication made otherwise. In the present case, the clarification did not introduce a new restriction but only clarified what was implicit in the original ban, namely, that it applied to all appointments in aided posts, including those on compassionate grounds.

12. The learned Single Judge, while exercising Review jurisdiction, rightly distinguished the judgments relied upon by the appellant, as the appointments in W.P. Nos.15621 of 2007 and 21938 of 2012 were made prior to the ban dated 20.10.2004, whereas the appellant's appointment was admittedly made on 27.01.2005, after the ban came into force. The finding that the appellant was not similarly situated suffers from no infirmity. Further, the review petition, though filed with a delay of 301 days, was condoned by the learned Single Judge upon being satisfied with the explanation offered. Such exercise of discretion calls for no interference in the absence of perversity or arbitrariness.

13. It is also to be noted that, the dismissal of W.A.No.846 of 2022 cannot be construed as a final adjudication on the appellant's entitlement to approval of appointment. The Division Bench merely

¹(2011) 9 SCC 613

declined to interfere with the direction issued by the learned Single Judge to consider the appellant's case and did not issue a positive mandamus granting approval.

Conclusion

14. For the foregoing reasons, we hold that the learned Single Judge was justified in exercising Review jurisdiction on the ground of an error apparent on the face of the record. The appellant's suppression of a material fact disentitles him to any equitable relief. The appellant's appointment, having been made after the imposition of the ban on aided posts, was rightly held to be impermissible. The order passed in Review suffers from no legal infirmity. The Writ Appeal is devoid of merit and is liable to be dismissed.

15. Accordingly, the Writ Appeal is dismissed. No order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

**Sd/-MOHD. ISMAIL
DEPUTY REGISTRAR**

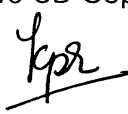
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SECTION OFFICER

To,

1. One CC to Sri Ramachandar Rao Vemuganti, Advocate [OPUC]
2. Two CCs to Additional Advocate General, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CD Copies

T J/PMK

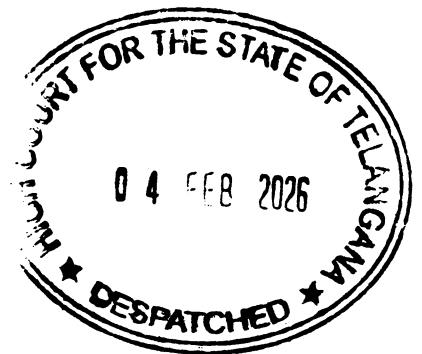


HIGH COURT

DATED:08/01/2026

JUDGMENT

WA.No.876 of 2025



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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31/1/26