

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

**MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND**

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

**I.A.NO.1 OF 2025
IN/AND**

WRIT APPEAL NOS: 386 AND 389 OF 2025

W.A.NO.386 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 31/10/2023, in W.P.No.24623 of 2023 on the file of the High Court.

Between:

1. The State of Telangana, Rep by its Secretary Government, Higher Education Department, Hyderabad.
2. Commissioner of Collegiate Education, Government of Telangana, Hyderabad.
3. Correspondence of Abhyudaya Oriental Evening College, Jiyaguda, Hyderabad, Telangana.

.....APPELLANTS/RESPONDENTS

AND

Siddharth, S/o Late Bharat Bhushan, Aged 34 years, R/o H No 169654/1/1/3, Sarojini Nagar, Old Malakpet, Hyderabad, Telangana 500036.

.....RESPONDENT/WRIT PETITIONER

I.A.NO:3 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 order dated 31/10/2023 passed in W.P.No.24623 of 2023.

Counsel for Appellants : ADDL ADVOCATE GENERAL

Counsel for Respondent : SRI AVADESH NARAYAN SANGHI

W.A.NO:389 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 22/02/2023 in W.P.No.42712 of 2022. on the file of the High Court.

Between:

1. The State of Telangana, Rep by its Secretary Government, Higher Education Department, Hyderabad.
2. Commissioner of Collegiate Education, Government of Telangana, Hyderabad.
3. Correspondence of Abhyudaya Oriental Evening College, Jiyaguda Hyderabad Telangana.

.....APPELLANTS/RESPONDENTS

AND

Siddharth, S/o Late Bharat Bhushan, Aged 34 years, R/o H.No.169654/1/1/3, Sarojini Nagar, Old Malakpet, Hyderabad Telangana 500036.

.....RESPONDENT/WRIT PETITIONER

I.A.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 to suspend the order dated 22.02.2023 passed in W.P.No.42712 of 2022.

Counsel for Appellants : ADDL ADVOCATE GENERAL

Counsel for Respondents : AVADESH NARAYAN SANGHI

The Court made the following COMMON JUDGEMENT : -

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

I.A.No.1 of 2025
in/and
WRIT APPEAL Nos.386 and 389 of 2025

DATED : 02.03.2026

WRIT APPEAL No. 386 of 2025

Between:

The State of Telangana and two others

... Appellants

AND

Siddharth

... Respondent

WRIT APPEAL No. 389 of 2025

Between:

The State of Telangana and two others

... Appellants

AND

Siddharth

... Respondent

COMMON JUDGMENT:

Sri S. Rahul Reddy, learned Special Government Pleader
attached to the Office of the learned Additional Advocate
General appears for appellants/State.

Sri Pratap Narayan Sanghi, learned Senior Counsel represents Sri Avadesh Narayan Sanghi, learned counsel for respondent/writ petitioner.

2. Writ Appeal No.386 of 2025 arises out of the order dated 31.10.2023 passed in Writ Petition No.24623 of 2023 whereby the learned writ Court set aside the order dated 17.04.2023 passed by the Commissioner, Collegiate Education, Hyderabad, rejecting the request of the respondent for compassionate appointment, in pursuance of the directions issued by the learned writ Court *vide* order dated 22.02.2023 in Writ Petition No.42712 of 2022. This Writ Appeal suffers from the delay of 483 days.

3. Writ Appeal No.389 of 2025 raises a challenge to the order dated 22.02.2023 passed by the learned writ Court in Writ Petition No.42712 of 2022 and the order dated 22.01.2025 passed in Review I.A.No.1 of 2024 in Writ Petition No.42712 of 2022 filed by the appellant State on 22.03.2024. This Writ Appeal suffers from the delay of 735 days.

4. In both the instant Writ Appeals, I.A.No.1 of 2025 has been filed by the appellant State for condonation of delay to explain the circumstances.

5. According to the appellants, after the order dated 22.02.2023 passed by the learned writ Court in Writ Petition No.42712 of 2022, the Election Code for Assembly elections came into effect from 09.10.2023 till declaration of results on 05.12.2023 in which many staff got drafted for election duty. Thereafter, there was change in the Government counsels which resulted in lack of communication. Further delay took place. The respondent pursued Contempt Case No.2816 of 2023 filed on 27.12.2023 in which notices were issued. On 17.04.2023, the Commissioner of Collegiate Education had passed an order rejecting the case of the petitioner in terms of G.O.Ms.No.214, General Administration (Ser.A) Department, dated 08.05.2001 and G.O.Ms.No.215, General Administration (SER.C) Department, dated 08.05.2001, and Memo No.757/CE/A1/2017 dated 16.02.2018, as the claim of compassionate appointment of the petitioner was not as per

rules. This was made the subject matter of challenge in Writ Petition No.24623 of 2023 on 04.09.2023. The said Writ Petition was disposed of on 31.10.2023 setting aside the impugned order dated 17.04.2023 with a direction to the appellants to issue appointment order to the respondent in a suitable post on compassionate grounds in any of the vacancies shown in para 15 of the counter-affidavit of appellant Nos.1 and 2 within the stipulated period.

6. Learned counsel for the appellants submits that after the Election Code was lifted, Review I.A.No.1 of 2024 in Writ Petition No.42712 of 2022 was filed on 28.03.2024 which has been dismissed by the learned Court on the ground that the order dated 22.02.2023 in Writ Petition No.42712 of 2022 has been acted upon and implemented. Moreover, the order of rejection dated 17.04.2023 passed in compliance thereto became subject matter of Writ Petition No.24623 of 2023 which has been disposed of on 31.10.2023 with a direction to the appellants to issue appointment order to the respondent on compassionate grounds in a suitable post. Therefore, the

Review I.A. was not maintainable. Both the Writ Appeals were filed on 28.03.2025 which has entailed the delay of 483 and 735 days respectively. Learned counsel for the appellants submits that if the delay is not condoned and the matters are not heard on merits, the consequences of the orders under appeals granting compassionate appointment would be far and wide.

7. It is submitted that the learned writ Court though in the first occasion referred to memo bearing No.757/CE/A/2017 dated 16.02.2018 and G.O.Ms.No.35 dated 27.03.2006, erroneously recorded that the appointments have been made on compassionate grounds even after issuance of the said order and thus, the action of the appellants was discriminatory and arbitrary. It is submitted that if the orders under appeals are not interfered with, several claims which are not otherwise in accordance with G.O.Ms.No.35 dated 27.03.2006 and memo bearing No.757/CE/A/2017 dated 16.02.2018 would be entertained by the learned writ Court. He has pointed out to para 6 of the counter-affidavit filed in Writ Petition No.42712

of 2022 wherein it has been stated that there was a ban on compassionate appointment as per the aforesaid G.O.Ms.No.35 dated 27.03.2006 and Memo dated 16.02.2018 and hence, compassionate appointments in similar cases have been rejected as in the case of the petitioner *vide* proceedings dated 23.09.2022. Therefore, the delay may be condoned and the appeals may be heard on merits as there are good grounds to succeed.

8. Learned Senior Counsel for the respondent has strong objections to the prayer for condonation of delay. It is submitted that the sequence of dates and events shows complete lack of interest and diligence on the part of the department to pursue the matter if the appellants were aggrieved on any valid grounds with the order of the learned writ Court. It is submitted that the order dated 22.02.2023 passed by the learned writ Court in Writ Petition No.42712 of 2022 was complied with on 17.04.2023 by rejecting the case of the respondent and subsequent challenge thereto was decided in favour of the respondent by order dated 31.10.2023

in Writ Petition No.24623 of 2023. The Review I.A. has been filed only thereafter on 28.03.2024 which shows negligence and lapse on the part of the department in pursuing the matter. Therefore, I.A.No.1 of 2025 in both the instant appeals may be rejected.

9. We have heard the learned counsel for the parties. We have taken note of the sequence of dates referred to on behalf of the appellants to explain the delay. On a perusal thereof, it is obvious that if the department was aggrieved by the order dated 22.02.2023 passed in Writ Petition No.42712 of 2022, it could have sought review thereof instead of complying with the same by passing the order dated 17.04.2023 i.e., after two months. Even then, when the order dated 17.04.2023 was under challenge in Writ Petition No.24623 of 2023, the department did not wake up to seek review of the order dated 22.02.2023. In the meanwhile, Writ Petition No.42712 of 2022 was allowed in favour of the respondent by directing the appellants to issue appointment order to the petitioner on compassionate grounds in a suitable post. It is almost after

more than one year, the Review I.A. was filed. In such circumstances, the explanation furnished by the appellants does not show any sufficient cause for condonation of huge inordinate delay of 483 days and 735 days in preferring these Writ Appeals.

10. We are therefore not inclined to condone the delay. As such, I.A.No.1 of 2025 in both the instant Writ Appeals filed for condonation of delay is rejected.

11. Consequently, both the instant Writ Appeals are dismissed. However, it is left open for the appellants to take the plea of G.O.Ms.No.35 dated 27.03.2006 and memo dated 16.02.2018 in the claims arising in future by any such person.

Miscellaneous applications, if any pending, shall stand closed.

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SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To

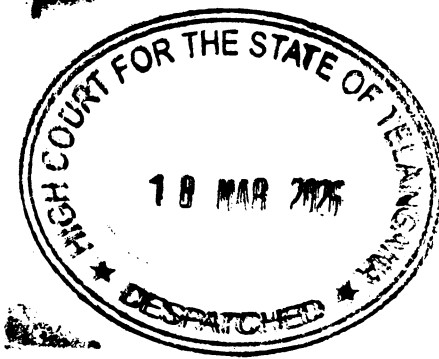
1. Two CC's to ADVOCATE GENERAL, High Court for the State of Telanana at Hyderabad. [OUT]
2. One CC to SRI AVADESH NARAYAN SANGHI, Advocate [OPUC]
3. Two CD Copies

SA
BS



HIGH COURT

DATED:02/03/2026



COMMON JUDGMENT

I.A.No.1 of 2025

IN/AND

WA.Nos.386 AND 389 of 2025

**DISMISSING BOTH THE WRIT APPEALS
WITHOUT COSTS.**

(6) *lpr*
18/3/26