

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

**TUESDAY, THE SEVENTEENTH DAY OF MARCH
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: 703 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 02/05/2025 in the W.P.No. 29473 of 2023 on the file of the High Court.

Between:

Dhanunjai Sikilambatla, S/o Saidulu, aged 38 years, R/o 11. No. 28- 1168, LIG-I- 52, Housing Board, Miryalaguda, Nalgonda District, Telangana State - 508207. BC- A, TS ID TS2200528046.

...APPELLANT/WRIT PETITIONER

AND

1. The Telangana State Public Service Commission, Prathibha Bhavan, Nampally, Hyderabad, PIN- 500001, rep. by its Secretary.
2. The State of Telangana, Social Welfare Department, Secretariat, Hyderabad, rep. by its Principal Secretary.
3. The Principal Secretary, Backward Classes Welfare Department, State of Telangana, Secretariat, Hyderabad.
4. Telangana Social Welfare Residential Educational Institutions Societies, DSS Bhavan, Masab Tank, Hyderabad rep. by its Secretary.
5. Mahatama Jothiba Phule Telangana, Backward Classes Welfare Residential Educational Institutions Societies, DSS Bhavan, Masab Tank, Hyderabad rep. by its Secretary.

...RESPONDENTS

Counsel for the Appellant: SRI G.SATYANARAYANA YADAV

Counsel for the Respondent No.1: SRI P.S.RAJASEKHAR, SC FOR TGPSC

Counsel for the Respondent Nos.2 & 3: SRI S.SUMAN, GP FOR SERVICES-III

**Counsel for the Respondent No.4: SRI BHANOTHU HUSSAIN, SC FOR
TSWREIS**

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.703 of 2025

DATE:17.03.2026

Between:

Dhanunjai Sikilambatla

....Appellant

And

The Telangana State Public Service Commission
and 4 others

....Respondents

JUDGMENT

Heard Sri G.Satyanarayana Yadav, learned counsel for the appellant; Sri P.S.Rajasekhar, learned Standing Counsel for Telangana State Public Service Commission; Sri S.Suman, learned Government Pleader for Services-III appearing for respondent Nos.2 and 3 and Sri.Bhanothu Hussain, learned counsel for respondent No.4 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 02.05.2025 passed by the learned Single Judge in W.P.Nos.29473 of 2023. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant herein, who sought a direction to the respondents to operate the merit list downwards and consider him for appointment to the post of Librarian (School) pursuant to Notification No.20 of 2017, dated 14.04.2017.

Factual matrix

3. The 1st respondent-Telangana State Public Service Commission (TSPSC) issued Notification No.20 of 2017 dated 14.04.2017 inviting online applications for recruitment to the post of Librarian (School) in the Residential Educational Institutions Societies (REIS). Under the said notification, a total of 256 vacancies were notified across two societies (Social Welfare and BC Welfare) and two zones (Zone-V and Zone-VI).

4. The appellant, belonging to BC-A community and falling under Zone-VI, submitted his online application within the stipulated time and participated in the selection process and appeared for the written examination conducted on 17.09.2017 and 18.09.2017, qualified therein, and consequently his name was included in the list of candidates called for web options and certificate verification in 1:2 ratio. The appellant exercised his web options on 28.05.2018 and attended certificate verification on 30.05.2018. Upon evaluation, he secured 188 marks and was assigned Rank No.254 in the merit list.

5. Subsequent to the initial stages of selection, multiple writ petitions came to be instituted challenging the recruitment process. A batch of writ petitions, *inter alia* W.P.Nos.29737 of 2018, 37892 of 2018, 37921 of 2018 and 836 of 2019, were filed and disposed of by the learned Single Judge *vide* common order dated 23.07.2019, whereby the action of the TSPSC in preparing the merit list was

upheld, and the respondents were directed to adhere to Rule 6(A) of the Telangana State Public Service Commission Rules (for short 'TSPSC Rules') by offering relinquishment options to the selected candidates. The said rule is extracted hereunder for ready reference:

"Rule 6(A): Notwithstanding anything contained in adhoc Rule issued in G.O.Ms.No.544, G.A.(Ser.A) Department, dated 04.12.1998, any candidate whose name has been included in a selection list in a direct recruitment prepared by the Commission, on enquiry by the Commission, may relinquish his claim for appointment in writing in the proforma prescribed by the Commission. The Commission shall thereupon remove the name of such candidates from the selection list and select any other candidate according to rules. The candidate whose name has been so removed from the selection list shall be informed of such removal by the Commission and shall have no right for the said appointment in future with reference to the said selection:

Provided this provision is applicable only when a single category of posts is notified in a notification and not applicable to a notification where multiple categories of posts are notified. However, it shall be ensured that the list shall not be operated for any additional vacancies indented by the Government Departments. The selection list for the purpose of selecting candidates in place of relinquished candidate/candidates shall be operated only till the next notification is issued or for a period of one year, whichever is earlier".

6. Pursuant to the said common order and its subsequent modifications, the TSPSC followed the due process. Relinquishment options were sought, and a revised final selection list was published. Subsequently, further appointments were made in compliance with judicial orders in W.A.No.826 of 2019.

7. The appellant filed the underlying writ petition vide W.P.No.29473 of 2023 seeking a direction to the respondents to consider his case for appointment by operating the merit list downwards in terms of Rule 6(A) of the TSPSC Rules. The learned

Single Judge, by order dated 02.05.2025, dismissed the writ petition, by observing as under:

11) A perusal of the record also discloses that after filling up of the vacancies notified in Notification No.20/2017, dated 14.04.2017, one vacancy falling under OC-General unreserved in TSWREIS Boys Institution in Zone-V was filled up as per the orders of this Court in Writ Appeal No.836 of 2019 as per merit and only one non-joining vacancy in the category of OC-General of TSWREIS Boys Institution in Zone-VI, to which the petitioner belongs to, is available. Further, admittedly, the petitioner belongs to BC-A category and secured 188 marks with 254 rank. Admittedly, only one vacancy is available in OC-General category of Zone-VI, but there are 20 candidates in the ranking list who are more meritorious than the petitioner. Therefore, the petitioner is not entitled for the relief sought for i.e. to direct the respondents to consider his case for appointment, due to his low merit.

8. Aggrieved by the said order the appellant has preferred the present writ appeal.

Submissions on behalf of appellant

9. Learned counsel for the appellant, assailed the impugned order and has advanced his submissions as under:

- i) That the learned Single Judge erred in dismissing the writ petition solely on the ground of “low merit”, without properly appreciating the scope and mandate of Rule 6(A) of the TSPSC Rules of Procedure. Placing reliance on **Munja Praveen v. State of Telangana**¹, it is submitted that the respondents are under a statutory obligation to operate the merit list downwards in cases of non-joining or relinquishment by selected candidates. It is further urged that the existence of

¹ (2017) 14 SCC 797

candidates above the appellant in the merit list, cannot by itself, defeat his legitimate claim, so long as vacancies subsist and the merit list is required to be operated sequentially in accordance with Rule 6(A).

- ii) Placing reliance on information obtained under the Right to Information Act (for short 'RTI Act') *vide* letters dated 16.11.2019 and 06.01.2020, it is submitted that there were 37 unfilled vacancies in Zone-VI and that the learned Single Judge erroneously accepted the respondents' version that only one vacancy was available, without considering that appointments were made as late as 2023 pursuant to Court orders, indicating that the recruitment process was live and vacancies existed.
- iii) Placing reliance on the order of the Hon'ble Supreme Court in ***Narimetla Vamshi and others. v. V.V. Srinivasa Rao***², it is contended that the Apex Court has recognized the principle that candidates who are aggrieved and who have approached the Court are entitled to be considered for appointment, even in preference to others who may not have agitated their rights. It is submitted that the appellant, having diligently pursued his remedies by approaching this Court, stands on a different footing and is entitled to consideration for appointment against

² Contempt Petition (Civil) No.728 of 2023 in Civil Appeal No.4735 of 2022 dated 17.05.2023

the available vacancies, notwithstanding the presence of other candidates in the merit list.

- iv) That the learned Single Judge failed to distinguish between vertical and horizontal reservations, resulting in an erroneous affirmation of the selection process. It is submitted that the selection made by the respondents permitted candidates belonging to reserved categories, though less meritorious, to occupy seats in the open category, which is contrary to the law laid down by the Hon'ble Supreme Court in ***R.K. Sabharwal v. State of Punjab***³.

Submissions on behalf of the respondents

10. Learned Standing Counsel for TSPSC and Learned Government Pleader appearing for respondent Nos.2 and 3 has supported the impugned order and advanced their submissions as under:

- i) That the issues raised by the appellant, particularly with regard to the preparation of a common merit list and the applicability of Rule 6(A), stand conclusively settled by the common order dated 23.07.2019 passed in W.P.Nos.29737 of 2018 & batch. The said order, which upheld the selection process and directed limited compliance with Rule 6(A), has attained finality and is binding on all parties. The appellant,

³ (1995) 2 SCe 745

having not challenged the said order at the relevant point of time cannot be permitted to re-agitate these settled issues.

- ii) By providing a detailed break-up of vacancies to demonstrate that no vacancy is available for consideration of the appellant. It is submitted that, out of the total 256 notified vacancies, 145 vacancies pertained to Girls' Institutions (for which only female candidates were eligible). Out of the remaining 111 vacancies in Boys' Institutions, 49 vacancies were earmarked under the 'Women Category'. Consequently, only 62 vacancies were available for general competition, and the appellant, being a male candidate belonging to BC-A category in Zone-VI, was eligible to compete only for 26 vacancies. It is further submitted that, after due compliance with Rule 6(A), including obtaining relinquishment options and implementing various judicial directions, all vacancies stood filled. As per the record, only one non-joining vacancy remained in the OC-General category of Telangana Social Welfare Residential Educational Institutions Society (TSWREIS) Boys Institution in Zone-VI, and for the said vacancy, there are as many as 20 candidates more meritorious than the appellant. Therefore, the appellant, who secured Rank No.254 with 188 marks, cannot be considered for appointment.

- iii) That the TSPSC does not maintain any waiting list, in view of G.O.Ms.No.81, GAD, dated 22.02.1997. Rule 6(A) itself prescribes that the selection list can be operated only till the issuance of the next notification or for a period of one year, whichever is earlier. In the present case, the notification pertains to the year 2017 and the selection process has long since concluded. Any attempt to operate the merit list at this belated stage would result in an unending recruitment process, which is impermissible in law. The reliance placed by the appellant on **Narimetla Vamshi** (supra 2) is misconceived, as the said judgment turned on its own peculiar facts and does not lay down any general principle applicable to the present case.
- iv) That merit being the governing principle in public employment and the appellant, having secured Rank No.254, cannot claim appointment as a matter of right when there exist 20 candidates above him in the order of merit who are eligible for consideration against the only available vacancy. Granting any relief to the appellant in such circumstances would not only be contrary to the settled principles of service jurisprudence but would also cause grave prejudice to more meritorious candidates who have not approached the Court.

11. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

12. It is pertinent to note that a substantial part of the challenge mounted by the appellant in the present appeal is against the validity of the selection process itself. The contentions relating to the alleged defect in preparation of a “common merit list” and the purported misapplication of reservation roster points are not *res integra*. These very issues had fallen for consideration before this Court in W.P.Nos.29737 of 2018 and batch, which came to be disposed of by a detailed common order dated 23.07.2019, wherein this Court examined the procedure adopted by the TSPSC and upheld the same. The Court recorded the submission of the learned Advocate General that zone-wise merit lists were prepared, and the petitioners therein could not provide a single illustration to substantiate the violation of rules. The said order, having attained finality, operates as a binding precedent on the issues concluded therein. It is not open to the appellant to collaterally assail or reopen findings in the present proceedings, which have already been conclusively adjudicated. Permitting such a challenge at this stage would not only run contrary to settled principles governing finality and judicial discipline but would also introduce uncertainty and unsettle a recruitment process which has culminated in

appointments made years ago. The relevant portion of the said order passed in W.P.Nos.29737 of 2018 and batch is extracted hereunder:

A perusal of the above Rule would make it clear that the Public Service Commission must enquire from the candidates who are selected as to whether there are willing to relinquish their claim for appointment in writing in the proforma prescribed by the Commission and if any of the candidates relinquish their claim for appointment, the same should be filled up by the next meritorious candidate. So, the said Rule makes abundantly clear it has to be followed at the time of preparing the select list. The contention of the learned Advocate General that Rule 6-A of the Rules would be made applicable to a notification where multiple categories of posts are notified, is not correct. This Court is of the considered view that the said contention is contrary to the proviso to Rule 6(A) of the Rules, which makes it abundantly clear that it is applicable only when single category of posts is notified in the notification and not applicable to the notification where multiple categories of posts are notified. Since only single category of posts of Librarian is notified in the instant case, the respondents are bound to follow Rule 6(A) of the Rules and the issue was set at rest in W.P.Nos.20232 and 20273 of 2018 dated 06.09.2018, which was confirmed by a Division Bench in W.A.Nos.1494 and 1524 of 2018, dated 22.11.2018. Therefore, the respondents are directed to follow Rule 6(A) of the Rules in the select list, which was already prepared, by offering relinquishment option to the selected candidates. However, since the Division Bench in W.A.Nos.1494 and 1524 of 2018, dated 22.11.2018, has already held that the respondents 8 to 119 who figured in the selection list of 264 candidates need not be disturbed, as they have already indicated that they are not willing to relinquish their selection, by extending the same yardstick, the impleaded respondents in W.P.No.29737 of 2018 need not be disturbed, as they are also not willing to relinquish their selection. However, in respect of other selected candidates is concerned, the Public Service Commission shall follow Rule 6(A) of the Rules and finalise the selections accordingly. Accordingly, W.P.No.836 of 2019 is disposed of directing the respondents to follow Rule 6(A) of the Rules to such of those candidates who got selected in the selection list, other than those who are impleaded as party respondents in W.P.No.29737 of 2018; and W.P.Nos.29737, 37892 & 37921 of 2018 are dismissed. No order as to costs.

13. The main controversy of the appellant's case rests upon the assertion that as many as 37 vacancies remain unfilled. This assertion is founded on information allegedly obtained under the RTI

Act through communications dated 16.11.2019 and 06.01.2020. The respondents have placed on record the subsequent events including compliance with judicial directions issued in W.A.No.826 of 2019 in accordance with which, the TSPSC in 2023 undertook a further exercise to fill up vacancies arising on account of non-joining of certain candidates, including impleaded parties in earlier rounds of litigation. Further, respondents have provided a clear and categorical statement that after this entire selection process, only one non-joining vacancy remains, that too, in the OC-General category of TSWREIS Boys Institution, Zone-VI.

14. It is to be noted that the appellant has not placed any cogent material to controvert the aforesaid specific assertion. There is no attempt on the appellant's part to neither identify the 37 vacancies with reference to the post-recruitment position, nor to demonstrate how such vacancies continued to subsist despite subsequent rounds of selection and appointments. In such case, mere reliance upon RTI replies of the years 2019 and 2020, without accounting for the intervening developments in a recruitment process that has been subject to multiple judicial interventions, cannot form a valid basis for grant of relief. The finding recorded by the learned Single Judge, that only one vacancy exists in the relevant category, is borne out by the record and does not warrant interference.

15. The decisions relied upon by the learned counsel for the appellant are misplaced and are distinguishable for the following reasons:

- i) In ***Munja Praveen*** (supra 1), the Hon'ble Supreme Court, while interpreting G.O.Ms.No.81, held that vacancies arising post issuance of appointment orders on account of non-joining are ordinarily to be carried forward, subject to a limited exception in cases of multiple selections from a common examination, where candidates do not complete the process, permitting operation of the merit list. In the present case, the record demonstrates that the respondents have duly complied with Rule 6(A) by obtaining relinquishment options and appointing the next meritorious candidates, and the subsequent exercise in 2023 was only in compliance with specific judicial directions, the process having thus attained finality.
- ii) In ***Narimetla Vamshi*** (supra 2) the order must be read in the context of the specific facts of that case, wherein the selected candidates therein had not even completed preliminary stages of the recruitment process and were therefore held not to have "fully participated," justifying operation of the merit list. The observation extending benefit to those who approached the Court cannot be read as conferring a preferential right upon a litigant over more meritorious candidates. Such an

interpretation would be violative of Article 14, as it would create an impermissible class divorced from merit. The decision was intended to preserve the efficacy of litigation, not to override the primacy of merit in public employment.

16. The conclusion arrived at by the learned Single Judge, dismissing the writ petition on the ground of the appellant's comparatively low merit, does not warrant any interference. It is an admitted position that the appellant secured 188 marks and was assigned Rank No.254. The material placed on record discloses that the last selected candidates in the relevant categories secured marks significantly higher than that of the appellant. Insofar as the solitary vacancy in the OC-General category of Zone-VI is concerned, there are as many as 20 candidates placed above the appellant in the order of merit. Even within the BC-A category, the last selected candidate in the local category secured 194 marks and a superior rank of 170.

17. It is apposite to note that Articles 14 and 16 of the Constitution of India guarantee equality of opportunity in matters of public employment, which is effectuated through adherence to the principle of merit. A candidate lower in the merit list cannot claim appointment in preference to those who are demonstrably more meritorious. The entire selection process is founded upon a comparative assessment of merit, and any departure therefrom would undermine the Constitutional scheme. Thus, granting relief in

such circumstances would amount to conferring an unwarranted preference upon the appellant, to the detriment of more meritorious candidates, which is impermissible in law.

Conclusion

18. For the foregoing reasons, this Court find no infirmity or illegality in the order of the learned Single Judge dated 02.05.2025 in W.P.No.29473 of 2023. The order is based on correct appreciation of the facts and the law. The appeal is devoid of any merit and is liable to be dismissed.

19. Accordingly, the Writ Appeal is dismissed. The order passed by the learned Single Judge in W.P.No.29473 of 2023 is hereby upheld.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

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

//TRUE COPY//

SECTION OFFICER

To

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2. One CC to SRI P.S.RAJASEKHAR, SC FOR TGPSC [OPUC]
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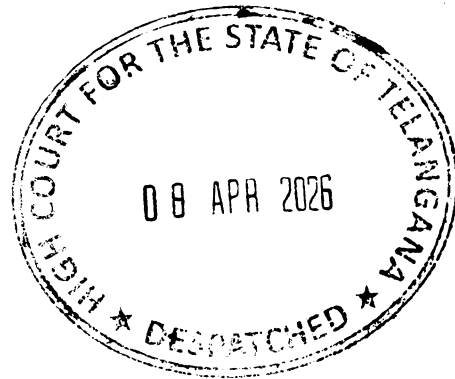
Jks

HIGH COURT

DATED: 17/03/2026

JUDGMENT

WA.No.703 of 2025



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

(8) — JKS
4/4/26