

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

**WEDNESDAY, THE FIRST DAY OF APRIL
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: 151 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 17/12/2025 in W.P.No. 27795 of 2025 on the file of the High Court.

Between:

Telangana State Level Police Recruitment Board, Rep. by its Chairman, DGP
Office Complex, Lakdi- ka- pul, Hyderabad.

...APPELLANT/RESPONDENT No.2

AND

1. Polampelli Raju, S/o Bheemanna, Age 35 years, Occ- Advocate, R/o H. No. 16-9-654/1/1/3, Sarojini Nagar Colony, Old Malakpet, Hyderabad - 36.

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Home Department, Hyderabad, BRK Bhavan, Secretariat, Saifabad, Hyderabad

...RESPONDENT/RESPONDENT No.1

**Counsel for the Appellant: SRI M.V.RAMA RAO, SC FOR TSLPRB
Counsel for the Respondent No.1: SRI PRATHAP NARAYAN SANGHI, SENIOR
COUNSEL FOR SRI AVADESH NARAYAN SANGHI
Counsel for the Respondent No.2: GP FOR HOME**

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.151 of 2026

DATED: 01.04.2026

Between:

Telangana State Level Police Recruitment Board
Rep. by its Chairman, DGP Office Complex,
Lakdi-ka-pul, Hyderabad.

... Appellant

AND

Polampelli Raju, S/o Bheemanna and another

... Respondents

JUDGMENT:

Heard Mr. M.V.Rama Rao, learned Standing Counsel for Telangana State Level Police Recruitment Board appearing for the appellant and Mr. Prathap Narayan Sanghi, learned Senior Counsel representing Mr. Avadesh Narayan Sanghi, learned counsel appearing for respondent No.1/writ petitioner.

2. In the Notification dated 15.08.2025 issued by Telangana State Level Police Recruitment Board (hereinafter referred to as 'the appellant Board') for appointment to the posts of Assistant Public Prosecutor (Category-6) in Telangana State Prosecution Service, 118 vacancies were notified. The present

lis revolves around Clauses (iv) and (vi) of Note to Para 12(A) of Selection Procedure/Scheme of the Notification. The said clauses read as under:

“iv) The minimum marks to be secured by Candidates in order to qualify in the written examination for each paper is 40% for Posts under OC including EWS; 35% for Posts reserved for BCs; and 30% for Posts reserved for SCs and STs / Orthopedically Handicapped. Qualifying in each of the Papers: Paper-I and Paper-II is an essential prerequisite for a Candidate to be considered for selection.

vi) Candidates who secured 40% and above in each Paper i.e. Paper-I and Paper-II only are eligible to be considered for selection for Posts under OC/EWS.”

3. It is also pertinent to refer to the selection criteria mentioned at Para 12(B) of the Notification which reads as under:

“B) Selection:

The final selection in each category of Posts will be strictly on relative merit of the Candidates, obtained by them based on their aggregate score after qualifying in the written examination in Papers I and II (400 marks) duly following the special representation as laid down in Rule 22 and Rule 22-A of Telangana State and Subordinate Service Rules. As per G.O. Ms. No.124 General Administration (SPF.MC) Dept., dated 30.08.2018 while filling up the vacancies, the first 5% of the Posts shall be filled following combined Qualified Candidates List (in descending order of marks obtained) of the Candidates and thereafter, the remaining 95% of the Posts shall be filled up by local Candidates only.”

4. *Vide* G.O.Ms.No.16 dated 21.03.2023, the Government introduced the following amendment in Rule 11 of the Telangana State Prosecution Service Rules, 1992 (hereinafter referred to as ‘the 1992 Rules’), which is relevant to be taken note of in respect of the instant controversy.

“9. For Rule (11), the following shall be substituted, namely:-

11. Method of Examination of Assistant Public Prosecutor:-

(a) **Written Examination:-** Candidates will be required to appear for a written examination in 2 Papers (each of 3 hours duration). Both Papers will be set in English Language only. The syllabus is given below.

Paper I:- Indian Constitution, Code of Criminal Procedure 1973 and Criminal Rules of Practice and Circular Orders, 1990, Indian Evidence Act 1972, Indian Penal Code and Minor Acts – 200 Questions – 200 Marks.

Paper II:- Descriptive Type from the above syllabus with emphasis on Pleadings and Drafting- 200 Marks.

NOTE

- 1) Paper I will be Objective in nature containing 200 questions. Candidates have to answer the questions on an OMR Answer sheets using Blue/Black Ball Point Pen Only by selecting the appropriate choice on the computer, if the test is conducted in web-mode.
- 2) Paper II will be descriptive in nature. Candidates have to answer the questions using Blue/Black Pen in the question cum answer booklet which will be supplied by the TSLPRB
- 3) Minimum marks to be secured by the Candidates in order to qualify in the written Examination is 40% for OCs, 35% for BCs and 30% for SCs/STs in each Paper.
- 4) For each question in Paper I, the Candidate shall be awarded full marks assigned to the question, if he/she choose the correct answer. In case the Candidate has not choosen any answer, the Candidate will be awarded zero mark for that question. In all other cases, 25% of the full marks shall be awarded as negative mark for that question.
- 5) Paper II shall be evaluated only those Candidates who qualify in the Paper I.

(b) The written examinations will be either Online or Offline (OMR based). The Chairman, Telangana State Level Police Recruitment Board, Hyderabad may take decision in this regard from time to time.

Paper-II:- (Descriptive Examination) Answer scripts shall be Scanned/digitalized and preserved for record.

(c) Final selection of the Candidates shall be made strictly based on the merit as obtained by them through their aggregate score in the Written Examination out of 400 marks (200 marks in Paper I and 200 marks in Paper II).”

5. In the above amendment, the relevant Clauses are 3, 4 and 5 of the Note to Rule 11 of the 1992 Rules. On challenge being made in the impugned writ petition by one of the appearing candidates belonging to reserved category,

Backward Classes (BCs), the learned writ Court set aside the impugned Clause (vi) of Note to Para 12(A) of the Notification dated 15.08.2025 and directed the authorities to permit the reserved category candidates to compete for Open Category (OC) posts based on their merit, strictly in accordance with the Rules in force. The appellant Board being aggrieved has preferred this writ appeal.

6. On behalf of the appellant Board, it is contended that the impugned Clause (vi) of Note to Para 12(A) of the Notification dated 15.08.2025 is nothing but an elaboration of Clause (5) of the Note of the amended Rule 11 of the 1992 Rules and is not in contradiction with Clause (vi) of Note to Para 12(A) of the Notification dated 15.08.2025. He has also distinguished the decision rendered in a previous round of litigation in Writ Petition No.2650 of 2022 and batch which went up to the Apex Court in Special Leave Appeal (Civil) No.14204 of 2024. *Vide* common judgment dated 25.09.2023, Writ Appeal No.724 of 2023 preferred against the order dated 28.04.2023 passed in Writ Petition No.2650 of 2022 and batch cases was disposed of by learned Division Bench of this Court with the direction that the appellant Board would consider the cases of the writ petitioners in terms of the directions given by the learned authority by duly exercising powers under Clause 23 of the Notification dated 04.07.2021. The Apex Court *vide* judgment dated 25.11.2025 permitted the petitioners to raise additional contentions in their representation before the competent authority to whom they had been relegated to by the High Court. The

Apex Court did not express any opinion on the merits of the case while disposing of the aforesaid Special Leave to Appeal. Learned Standing Counsel for the appellant Board further submits that the impugned Clause (vi) of Note to Para 12(A) of the Notification dated 15.08.2025 does not amount to unreasonable classification. As per the amended Rules also, any candidate whether of reserved category or OC/Economically Weaker Section (EWS) category will have to qualify Paper-I for evaluation of Paper-II. The impugned clause intends to preserve the amended Rule to promote selection of meritorious candidates. On behalf of the appellant Board, reliance has been placed upon decision of the Apex Court in the case of **Union of India v. G. Kiran & Ors.**¹ [Civil Appeal arising out of Special Leave Petition (C) No.4743 of 2020 dated 06.01.2026]. He has also relied upon recent decision of the Apex Court in the case of **Chaya & Ors. Etc. v. The State of Maharashtra & Anr. Etc.**² [Civil Appeal arising out of SLP (C) Nos.14517-14539 of 2025 dated 23.03.2026]. Learned Standing Counsel for the appellant Board submits that following the ratio rendered by the Apex Court in the aforesaid decisions, once the writ petitioner has availed concession or relaxation in the standard prescribed for the written exam, his selection is to be based solely on the performance in the main exam and interview, if any. In the present case, the prescription of 40% marks in each Paper-I and Paper-II meant for selection to post under OC/EWS could apply to candidates from the reserved category like the writ petitioner who has

¹ 2026 INSC 15

² 2026 INSC 277

got the concession of minimum marks in the written examination for each Paper such as 35% for posts reserved for BCs and 30% for posts reserved for SCs and STs/Orthopedically handicapped. It is submitted that the candidate belonging to a reserved category, if he does not fulfil the essential eligibility criteria prescribed for selection to the post of OC/EWS category, he cannot be permitted to migrate to an open category after having availed of a concession/relaxation in the qualifying examination. He submits that even though in the instant case there was no preliminary exam like that in the cases of **G. Kiran & Ors.** (supra) and **Chaya & Ors. Etc.** (supra), but the principle would apply with equal force in the case of the present writ petitioner. It is further submitted that even as per Clause 12(B) of the Notification dated 15.08.2025, the final selection in each category of posts has to be made strictly on relative merit of the candidates, obtained by them based on their aggregate score after qualifying in the written examination in Paper-I and Paper-II (400 marks). Therefore, the requirement of qualifying the Paper-I and Paper-II to compete for the posts under OC/EWS criteria by scoring 40% and above marks would apply also to any candidate of reserved category like the writ petitioner who wants to migrate to the OC/EWS quota. In such circumstances, the learned writ Court committed an error in directing the authorities to permit the reserved category candidates to compete for open category post based on their merit. It is submitted that the impugned provisions are strictly in accordance with the Rules in force. Therefore, the writ appeal should be allowed.

7. Learned Senior Counsel for respondent No.1/writ petitioner on the other hand submitted that there is a difference between the concession and the eligibility criteria to a candidate of the reserved post. The writ petitioner is not availing any concession as such. He is eligible to compete on the basis of his birth in the reserved classes for the post advertised. The prescription of 35% marks for posts reserved for BCs and 30% for posts reserved for SCs and STs/Orthopedically handicapped, the writ petitioner fulfils. Even otherwise, the final selection in each category of posts is determined on relative merit of the candidates as per Clause 12(B) of the Notification dated 15.08.2025 on the basis of their aggregate score after qualifying in the written examination in Paper-I and Paper-II. Therefore, prescribing 40% marks in Paper-I and Paper-II for eligibility for selection to the posts under OC/EWS under impugned Clause (vi) of Note to Para 12(A) of the Notification dated 15.08.2025 is not only contrary to Clause (iv) of Note to Para 12(A) of the Notification dated 15.08.2025 but also is not in accordance with the amended Rule 11 of the 1992 Rules. Learned Senior Counsel for the writ petitioner has placed reliance upon para 19 of the decision of the Apex Court in the case of **Chaya & Ors. Etc.** (supra) where the legal principles have been culled out on this issue. He further submits that the case of the writ petitioner on facts are different from the cases of **G. Kiran & Ors.** (supra) wherein a concession was provided in a preliminary exam whereafter the concerned candidates came into the zone of consideration. In the

present case, there is no preliminary exam which the candidates have to face. In the written exam, the bench mark of qualifying marks for different classes of persons have been laid down prescribing a further criteria of 40% in Paper-I and Paper-II for qualifying for OC/EWS post is contrary to the 1992 Rules and is in teeth of the eligibility criteria prescribed under Clause (iv) of the Note to Para 12(A) of the Notification dated 15.08.2025. Therefore, the impugned order of the learned writ Court does not warrant any interference.

8. We have heard learned counsel for the parties and we have taken note of the materials placed on record including the impugned clauses of the Notification dated 15.08.2025 and the amended Rule 11 of the 1992 Rules.

9. The case at hand is not one where the candidates have faced a preliminary qualifying examination for being eligible to come into the zone of consideration for the written exam. As such the candidates have not availed of such a concession or relaxation in a qualifying examination like fee waiver or age relaxation to create a level playing field. The facts of the case of **G. Kiran & Ors.** (supra), therefore, are distinct from the present case. However, the legal principles laid down in the case of **Chaya & Ors. Etc.** (supra) at para 19 of the judgment, which is quoted hereunder, would apply with equal force to the facts of the case of the parties.

"19. From the aforesaid decisions, the following legal principles can be culled out:-

(i) A concession/relaxation in a qualifying examination merely enables entry of a candidate into the zone of consideration and cannot be treated as relaxation in the standard prescribed for qualifying the written examination if such relaxation does not affect the merit which has to be determined solely on the basis of performance in the main examination and the interview, if any.

(ii) A relaxation or concession in the qualifying examination merely creates a level playing field where no concession or relaxation is granted in the ultimate selection and the same is solely made on the basis of *inter se* merit.

(iii) If a candidate belonging to a reserved category, does not fulfil the essential eligibility criteria prescribed for a selection, he/she cannot be permitted to migrate to an open category.

(iv) Migration of a reserved category candidate who has availed of a concession/relaxation in qualifying examination depends on the Recruitment Rules or the employment notification. If such Recruitment Rules or employment notification permits such migration, the same is permissible.

(v) Such migration shall also be permissible if the Recruitment Rules or employment notification are either silent or do not expressly prohibit it."

10. In the present case, the writ petitioner has not availed of a concession or relaxation in the qualifying examination like the preliminary exam to enable him to come into the zone of consideration for qualifying the written exam where the merit has to be determined solely on the basis of performance in the main exam and interview, if any. It is not a case where candidates like the writ petitioner have been granted a level playing field to come into the zone of consideration for competing with the open category candidates or migration to the open category quota. On the other hand, it is clear that the impugned Clause (vi) of the Note of Para 12(A) of the Notification dated 15.08.2025 is not in consonance

with the Clause (5) of the Note to the amended Rule 11 of the 1992 Rules, which is extracted hereinabove. Clause (5) of the Note to the amended Rule 11 of the 1992 Rules only provide that Paper-II shall be evaluated only for those candidates who qualify in the Paper-I. The amended Rule 11 at no place lays down the qualifying mark of 40% for candidates competing to come into the OC/EWS criteria for Paper-I and Paper-II. The impugned clause, however, seeks to introduce the criteria which is not in consonance with the 1992 Rules rather creates an impermissible classification by prescribing 40% mark in each of the Paper-I and Paper-II for being eligible to be post for selection for OC/EWS. A candidate from the reserved category like the writ petitioner who has qualified in the written exam and passed both Paper-I and Paper-II could still be denied the benefit of final selection under Clause 12(B) of the Notification dated 15.08.2025 to OC/EWS posts; Clause 12(B) of the Notification provides that final selection would depend upon relative merit of the candidates obtained by them based on their aggregate score after qualifying in the written examination in Paper-I and Paper-II (400 marks). Therefore, the combined reading of Clause (iv) of Note to Para 12(A) and the selection criteria at Para 12(B) of the Notification dated 15.08.2025 shows that the introduction of qualifying marks of 40% in Paper-I and Paper-II under clause (vi) for being eligible to be considered for selection of posts under OC/EWS category is not only beyond the amended Rule 11 of the 1992 Rules but also introduces an impermissible classification for those candidates belonging to reserved category

who on their merit could be eligible to compete for OC/EWS quota posts. In this regard, it is proper to refer to the decision of the Apex Court in **Union of India v. Sajib Roy**³ quoted in the case of **Railway Protection Force and others v. Prem Chand Kumar and others**⁴, para 18 thereof, which reads as under:

“18. In *Union of India and Ors. v. Sajib Roy* (SLP (C) No.21392-93 of 2019), this Court held that *Jitendra Singh* (supra) is inapplicable to cases where the recruitment rules bar migration of reserved candidates availing relaxation in age/fees to be appointed against unreserved vacancies. The Court summarized the principles as follows:

“32 Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say, in the event there is no embargo in the recruitment rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats.”

11. It is evident from the ratio referred above that in the present case there was no embargo imposed under relevant recruitment Rules that reserved category candidates shall not be permitted to migrate to general category seats as in the facts of the present case. The impugned clause in the recruitment notification, therefore, is contrary to the 1992 Rules and also creates an unreasonable classification which is not in consonance with Articles 14 and 16 of the Constitution of India. Therefore, from the conspectus of the entire facts and circumstances of the case and upon hearing learned counsel for the parties

³ SLP (C) No.21392-93 of 2019, dated 09.09.2025

⁴ AIR 2025 SC 4150 = 2025 SCC OnLine SC 1944

and the principles laid down in the aforesaid decisions by the Apex Court, we are of the considered view that the impugned order rendered by the learned writ Court does not suffer from any error or illegality warranting interference.

12. Accordingly, the instant Writ Appeal is dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI M.V.RAMA RAO, SC FOR TSLPRB [OPUC]
2. One CC to SRI AVADESH NARAYAN SANGHI, Advocate [OPUC]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

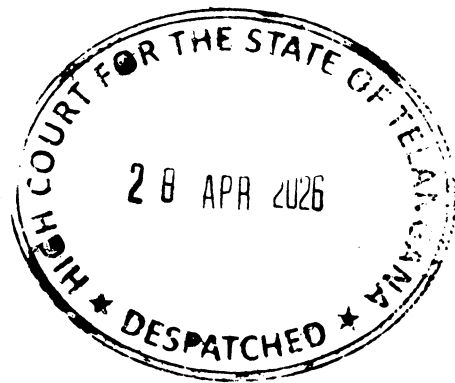
PSK.
GJP



HIGH COURT

DATED: 01/04/2026

**JUDGMENT
WA.No.151 of 2026**



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

(7) NT
24/4/26.