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APHC010262992022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

MONDAY, THE 24TH DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 609 OF 2022

Writ Appeal under clause 15 of the Letters Patent by the order dated 26/04/2022 in W.P.No.7490 of 2019 passed by the learned single Judge, this Writ Appeal is filed

Between:

1. Tirumala Tirupathi Devasthanams,, Rep. by its Executive Officer, Tirupathi, Chittoor District.
2. The Executive Officer,, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
3. The Joint Executive Officer,, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.

...Petitioners

AND

1. Assistant/Shroff Staff No 16983, O/o EDP Office Tirumala Tirupati Devasthanams Door No 191259 Kesavayanagunta Tirupati Chittoor District
2. S Eswarachari, S/o late Murugachaii aged 27 years Assistant/Shroff Staff No 17516 O/o SEO Services Tirumala Tirupati Devasthanams Mangalam Quarters Tirupati Chittoor District

3. K Jagadeesh, S/o late Janakiramaiah aged 27 years Assistant/Shroff Staff No 17440 O/o Spl Officer S V Recording Project Tirumala Tirupati Devasthanams House No 94 CType K T Quarters TTD K T Road Tirupati
4. P Rajasekhar Reddy, S/o late Krishnamurthy Reddy aged 28 years Assistant/Shroff Staff No 16599 O/o AEO Coins Parakamani Tirumala Tirupati Devasthanams Tirupati Door No 294 Dhiguvareddy van palli Chandragiri Tinipati Chittoor District
5. P Harikrishna, S/o late Chandraiah aged 32 years Assistant/Shroff Staff No 16867 O/o AEO RI Tirumala Tirupati Devasthanams Tirumala Door No 01 BType Quarters Tirumala Chittoor District
6. C Bala Srinivasulu, S/o late Ganadharam aged 28 years Assistant/Shroff Staff No 17522 O/o Dy E0 KKC Tirumala Tirupati Devasthanams Tirumala Residing at Door No 8284 Satyanarayanapuram Near Leela Mahal Tirupati
7. G Suresh Kumar, S/o late Ganeshappa aged 27 years Assistant/Shroff Staff No 17570 O/o Chief Engineer Tirumala Tirupati Devasthanams Door No 612K/19 MCR Colony Alipiri Raoad Tirupati Chittoor District
8. V Guru Theja, S/o late Jagan Mohan aged 25 years Assistant/Shroff Staff No 17666 O/o AEO Revenue Tirumala Tirupati Devasthanams Tirumala Jettigundla Palli village Ugranampalli Post Penumur Mandal Chittoor District 517 126
9. K Reddy Prakash, Sic) late Veiikatadri aged 25 years Assistant/Shroff Staff No 17663 O/o AEO RI Tirumala Tirupati Devasthanams Tirumala Door No 29 Dodlamitta Renigunta Tirupati Chittoor District
10. N Vinod Kumar Reddy, S/o late Ramachandra Reddy aged 25 years Assistant/Shroff Staff No 40786 O/o AEO Services Tirumala Tirupati

Devasthanams Door No 1941S81910/8 Kanigi Siddaiah Colony
Renigunta Road Tirupati Chittoor District

11. State of Andhra Pradesh, Rep by its Special Chief Secretary,
Endowments Department, Secretariat, Velagapudi, Guntur District.

12. Kum K V Srija, D/o late K.V.S.Babu, Junior Assistant, O/o Deputy
Executive Officer, T.T.D. Tirupathi.

13. D Sai Nikhil, S/o D. Suresh Babu, Aged about 24 years, Jr.
Asst., R/o, 1-61/1, O B R Kandriga (V), Vadamalapeta (M), Tirupati-
517501, Andhra Pradesh.

14. G Rajesh, S/o G. Govindaiah, Aged about 30 Years, Junior Assistant,
R/o.6-13-59, Ambedkar Colony, Tirupati-517501, Andhra Pradesh.

15. C Sudheer, S/o C Ravi Sekhar, Aged about 29 Years, Junior
Assistant R/o 18-1-727/C1, Bhavani Nagar, Tirupati -
517501, Andhra Pradesh.

16. D Pavan Kumar, S/o D Krishnaiah, Aged about 28 years, Junior
Assistant, R/o. 4-58, Govinda Nagar, Tirupati -517501, Andhra
Pradesh.

17. P Gowtham Kumar, S/o. P. Girinagesh, Aged about 30 years,
Junior Assistant, R/o. 19-9-7C1RC2, Lakshmipuram, Tirupati -
517501, Andhra Pradesh.

18. Lalitha Thavanthi, D/o T. Umasankhar, Aged about 25 years,
Junior Assistant, R/o 8-58/3, Srinagar colony, Tirupati -
517501, Andhra Pradesh.

19. P Bhanu Prakash, S/o P Krishnamurthy, Aged about 22 years,
Junior Assistant, R/o. 4-173, 1st cross Srikrishna nagar, Tirupati,
517501-Andhra Pradesh.

20. D Poorna Chandra, S/o D. Sivaiah, Aged about 21 years, Junior
Assistant, Rio 13-3-295, Nawabpeta, Tirupati -517501, Andhra
Pradesh

21. P Naveen, S/o P. Bhupal Raju, Aged about 22 years, Junior Assistant, R/o 2-157/152, Bhupal Housing colony, Tirupati-517501, Andhra Pradesh.
22. B Sai Krishna, S/o Venkataramana, Aged about 26 years, Junior Assistant, R/o 5-32/B-2, Madhav Nagar, Rajiv Nagar, Tirupati-517501, Andhra Pradesh
23. D V Murali Krishna, S/o D.S. Venugopal, Aged about 24 years, Junior Assistant, 20-2-507/D1, Maruti Nagar, Tirupati-517501, Andhra Pradesh.
24. M Prasanth Reddy, S/o M. Srinivasulu Reddy, Aged about 23 years, Junior Assistant, R/o No.61, TTD, G.N.B Quarters, Tirupati - 517501, Andhra Pradesh.
25. S Vasantha Kumar, S/o S.Subbaramaiah, Aged about 29 years, Junior Assistant, R/o 4-43, MMC Kaldriga, Chittoor 517641, Andhra Pradesh.
26. V Kiran Kumar, S/o V.Ankaiah, Aged about 33 years, Junior Assistant, R/o 20-29-52-265, Sanjiv Gandhi Colony, Tirupati, 517501-Andhra Pradesh
27. J Sethu Chenchu Madhav, S/o J. Bhushanam, Age about 22 years, Junior Assistant, R/o 6-450, Gandhi Street, V T C ,Srikalahasthi - 517644, Andhra Pradesh.
28. S Tejaswini, D/o S. Anandababu, Aged about 28 years, Junior Assistant, R/o 7-84, Matha Street, Kotha peta, Chandragiri-517101, Andhra Pradesh
29. V Sandya, C/o V. Krishnaiah, Aged about 26 years, Junior Assistant, R/o 9-5-5, 2nd floor, Lingeswara Nagar, Bairagipatteda, Tirupati-517501, Andhra Pradesh.

30. M Hemanth Kumar, S/o M. Nagaraju, Aged about 21years, Junior Assistant, R/o 9-268, Managalam, Tirupati-517501, Andhra Pradesh
31. P V Suresh, C/o P. Venkatesh, Aged about 32 years, Junior Assistant, R/o 6-18-S9-392, Sripuram Colony, K.T. Road, Tirupati-517501, Andhra Pradesh.
32. AVR Nagamanoj, S/o A. Giridhar, Aged about 21 years, Junior Assistant, R/o 8-27/3/G1, B Flat No.403, Sai Srinvasa towers, Padmavathipuram, Tirupati-517501, Andhra Pradesh
33. K Lokesh, S/o K. Venkatesh, Aged about 39 years, Junior Assistant, R/o 9-427, Mangalam Quarters, Tirupati-517501, Andhra Pradesh
34. A V Suraj Kumar, S/o A. Varala Raju, Aged about 29 years, Junior Assistant, R/o 18-38-S2-83, Flat No.302, Naidu Apartment, Madhura Nagar, Tirupati-517501, Andhra Pradesh
35. D R Nikhil, S/o D K Ramesh Babu, Aged about 29 years, Junior Assistant, R/o No.8, 6th main, 13 cross, Vyalikaval, Malleswaram, Bengaluru, Karnataka-560003
36. G Vasu, S/o G.Kondaiah,Aged about 27 years, Junior Assistant, R/o 9-20, Settipalle, Tirupati-517501, Andhra Pradesh
37. V Sai Yugandhar, S/o V. Umapathi Reddy,Aged about 29 years, Junior Assistant,R/o 5-185-4, Ullipatteda, M R palli, Tirupati-517501, Andhra Pradesh.
38. P Keerthana, D/o M. Palani, Aged about 22 years, Junior Assistant, R/o. B type 35 TTD Quarters, Vinayaka Nagar, Tirupati-517501, Andhra Pradesh
39. B Manoj Kumar, C/o B. Vijayaprathap, Aged about 25 years, Junior Assistant, R/o C type 123, TTD Quarters, Vinayaka Nagar, Tirupati-517501, Andhra Pradesh

40. M Gunasekhar, S/o M. Subramanyam, Aged about 37 years, Junior Assistant, R/o 1-3, Manarpalli, Kotha Kota Panchayathi, Chittoor District - 517112, Andhra Pradesh.
41. K Vijay Kumar, S/o K. Gopi, Aged about 39 years, Junior Assistant, R/o 19-4-376/G13, S.T.V Nagar, Tirupati-517501, Andhra Pradesh
42. V Janakiramana, S/o V. Munaswamy, Aged about 23 years, Jr.Asst., R/o 22-11-165, Jayasankar nagar, Settypalli, Tirupati 517501, Andhra Pradesh.
43. K Reddy Hemanth Kumar, S/o K. Reddy Babu, Aged about 23 years, Jr.Asst., R/o D type 583, Vinayak Nagar Quarters, Tirupati-517501, Andhra Pradesh.
44. M Saranya, C/o C. Venkatesh, Aged about 23 yeras, Jr.Asst., R/o 22-8-9-19, 9th Line B.T.R Colony, Mangalam, Tirupati-517501, Andhra Pradesh.
45. A Chandra Babu, S/o A Venkataramana, Aged about 39 years, Junior Assistant, 10-129, T.N. Palem, Tirupati-517501, Andhra Pradesh.
46. A Prudhvi, S/o A. Srinivasulu, Aged about 30 years, Junior Assistant, R/o 8-442, Ambedkar Colony, Rajiv Nagar, Tirupati-517501, Andhra Pradesh.
47. K Meena, C/o K. Anil Kumar, Aged about 25 years, Junior Assistant, Puja Vari Palli, VTC Kammappalli, Ramachandrapuram, Tirupati-517561, Andhra Pradesh
48. R Bhargava Ram Reddy, . S/o R. Prakasam Reddy, Aged about 33 years, Junior Assistant, R/o 3-43, Nalla Mani Kalva, Thanapalli, Tirupati-517501, Andhra Pradesh.

49. P Thulasi Ram, S/o P. Srinivasulu, Aged about 31 years, Junior Assistant, R/o 9-305, Lingeswara Nagar, Tirupati-517501, Andhra Pradesh.
50. P Ilayaraja, . S/o P.Munibala, Aged about 32 years, Junior Assistant, Rio 20-2-472/15, Korlugunta, Maruthi Nagar, Tirupati-517501, Andhra Pradesh
51. M Vishnu Priya, D/o B. Munisankar, Aged about 33 years, Junior Assistant, R/o 6-20, Akarampalli, Karakambadi Road, Tirupati-517501, Andhra Pradesh
52. S Yogesh Babu, S/o S. Nagaraju, Aged years 23 years, Junior Assistant, R/o 7-164/2, Shanthi Nagar, MR Palli, Tirupati-517501, Andhra Pradesh
53. K Dinesh Reddy, ,C/o K. Revathi, Aged about 26 years, Junior Assistant, R/o 3-204, 2nd Floor, Annamaya Nagar, S.N. Puram, Tirupati- 517501, Andhra Pradesh
54. S Jayesh Varma, S/o S. Rama Mohanraju, Aged about 22 years, Junior Assistant, R/o 18-1-90/9/72, Yasoda Nagar, Tirupati-517501, Andhra Pradesh.
55. M Balaji, S/o M. Ramachandra, Aged about 28 years, Junior Assistant, R/o 11-192, Tarakarama Nagar, Tirupati-517505, Andhra Pradesh.
56. B Dishanth Kumar, S/o Late B. Rajendra Prasad, Aged about 27 years, Junior Assistant, R/o 502, Ramanujam towers, Lakshmipuram Circle, Tirupati-517501, Andhra Pradesh.
57. T Harshavardhan, S/o T. Mohan Babu, Aged about 22 years, Junior Assistant, R/o 9-110, Settipalli, Magalam Quarters, Tirupati-517501, Andhra Pradesh

58. T Nithin Krishna, S/o T. Mohan Babu, Aged about 24 years, Junior Assistant, R/o 4-8, V P R Puram, Srirangarajapuram, Chittoor-517167, Andhra Pradesh.

59. C Sravan Kumar, S/o C. Mani, Aged about 29 years, Junior Assistant, R/o 10-119W, Kranthi Nagar, Tirupathi 517501, Andhra Pradesh.

60. N Hari Priya, C/o N. Jayapal, Aged about 24 years, Junior Assistant, R/o 7-1-6, Billaiahgaripalli, Pakala- 517112, Andhra Pradesh.

61. C Dilli Priya, D/o Gopala Krishnaiah, Aged about 21 years, Junior Assistant, R/o 1-74, Narasingapuram, Chittoor-517102, Andhra Pradesh.

62. G Suresh Kumar, S/o G. Guruswamy, Aged about 40 years, Junior Assistant, R/o 3-6-191, Kattikarangadi Veedhi, Tirupati- 517501, Andhra Pradesh

63. P Siva Prasad, S/o P. Munikrishnaiah, Aged about 31 years, Junior Assistant, R/o 19-4-67/1, STV Nagar, Tirupati- 517501, Andhra Pradesh.

64. P Rahul Yadav, S/o P. Venkata Narasimhulu, Aged about 28 years, Junior Assistant, R/o 20-2-507/E3, Maruthi Nagar, Korlagumta, Tirupati, 517501, Andhra Pradesh. Respondents No.13 to 64 are impleaded as per c.o.dt.21.08.2024 vide I.A.No.4 of 2024 in W.A.No.609 of 2022.

...Respondents

IA NO: 1 OF 2022

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 grant stay of operation of the order dt. 26.04.2022 in W.P.No 7490 of 2019 pending disposal of above Writ Appeal and pass

IA NO: 1 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 stay of all further proceedings of the order vide proceedings dated 25-12-2023 in Roc no. E2/1861/2019 passed by the appellants/Respondent E.O. TTD tirupati, restoring my appointment as Shroff/Assistant from the post of junior Assistant and pass

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 grant leave to the respondents No.1 to 10 for filing counter affidavit in W.A.No. 609 of 2022 in the interest of justice and pass

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 Implead the proposed Respondent Nos. 13 to 16 herein as party Respondents in the present WA.No.609 of 2022 and in all accompanying interlocutory applications, in the interest of justice, and to pass

IA NO: 4 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 implead the Proposed Respondent No. 13 to 64 herein as party Respondents in the present WA No. 609 of 2022 and in all accompanying interlocutory applications in the interest of justice and pass

IA NO: 1 OF 2026

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 May be pleased to set aside the Proceedings in Roc. No. E2/1861/2019 dated 25.12.2023 passed by the 2nd respondent wherein reverted the petitioner/12th respondent as Shroff/Assistant from the post of Junior Assistant by directing the respondents to continue the petitioner/12th respondent in the cadre of Junior Assistant with continuity of service, seniority, pay and all consequential monetary and service benefits and pass

**Counsel for the Petitioners: S N CHIDAMBARA
SASTRY,V.DYUMANI (SC for TTD)**

**Counsel for the Respondents: N ASHWANI KUMAR Counsel for the
Respondents:J SUDHEER Counsel for the Respondents:GP FOR
SERVICES II Counsel for the Respondents:KAVITHA GOTTIPATI**

The Court made the following order:

JUDGMENT: *(Per Hon'ble Sri Justice D.Ramesh)*

Heard Sri V.Venugopala Rao, learned senior counsel appearing on behalf of Smt. Y.Dyumani, learned counsel for the appellants/Tirumala Tirupati Devasthanam, Sri J.Sudheer, learned counsel for the respondent nos.1 to 10, Smt. Gottipati Kavitha, learned counsel for respondent no.12, Sri N.Ashwani Kumar, learned counsel for respondent nos.13 to 64.

2. The intra-court appeal is filed by the institution i.e. Tirumala Tirupati Devasthanam, Tirupati (hereinafter to be referred as TTD) aggrieved by the orders passed by the learned single Judge in W.P.No.7490 of 2019 dated 26.4.2022.

3. Respondent nos.1 to 10 herein are the petitioners in the Writ Petition. They filed Writ Petition seeking to declare the action of respondents/appellants in rejecting the request of the petitioners for considering their case for appointment as Junior Assistants from the date of their initial appointment in terms of G.O.Ms.No.612 GA(SERV) Department dated 30.10.1991 by nullifying the earlier TTD circular dated 28.12.2010 and consequently direct the respondents to apply the Board Resolution no.364, dated 28.8.2018 followed by the TTD circular dated 05.10.2018.

4. The facts relating to filing the Writ Petition is that, all the petitioners have made applications to consider their cases on

compassionate grounds as they are the dependants of deceased employees of the Institution. At the time of making application for consideration under compassionate appointment, admittedly, the petitioners are not having requisite qualification for the post of Junior Assistants. Some of them are pursuing their graduation and some of them are contemplating to pursue graduation. As per G.O.Ms.No.687 GA (SERV) Department dated 03.10.1977 and also Government of A.P General Administration Department Circular Memo dated 12.8.2003, the petitioners are entitled for consideration for the post of Junior assistant by relaxing the qualifications and permit to acquire the said qualifications within the stipulated period. But contrary to the said guidelines, the Executive Officer of the TTD has issued circular on 28.12.2010 by formulating certain new guidelines for appointment of persons on compassionate grounds. The said action/guidelines are contrary to the Government orders more particularly G.O.Ms.No.687 GA (SERV) dated 03.10.1977 and Circular Memo dated 12.8.2003. Further respondent no.5 in the Writ Petition and respondent no.12 in the Writ Appeal was appointed as Assistant/Shroff vide proceedings dated 29.6.2018 and she was posted at TTD Information center at Bangalore on 28.7.2018. Even before that she made a representation on 05.7.2018 stating that as she has completed B.Tech in the month of May 2017, before section and requested to appoint her in the cadre of Junior Assistant to consider

her qualification at the time of appointment. The said issue was placed before the Board and the TTD Board has passed a resolution no.364 dated 20.8.2018 by considering her request and appointed to the post of Junior Assistant vide orders dated 12.9.2018. Though all the petitioners were appointed in between by applying the TTD Circular dated 28.12.2010, they were all appointed as Assistants/Shroffs. As all the petitioners are also identical to that of respondent no.5 in Writ Petition, hence they filed this Writ Petition to consider their cases in terms of the resolution no.364 dated 20.8.2018 with all consequential benefits.

5. Per contra, the respondents have filed their counter stating that as all the petitioners are having only Intermediate qualification and based on the administrative exigencies/requirements all the petitioners were considered and appointed to the cadre of Shroff/Assistant as stipulated under the TTD Service Rules. As far as respondent no.5 is concerned, they have considered the directions issued by the High Court in W.P.No.47360 of 2018 and she was also appointed as shroff vide order 28.7.2018. They have further stated that all the appointments more specifically compassionate appointments were made in the appellants Institution based on the circular issued by the Executive Officer dated 28.12.2010 till 05.10.2018, including the petitioners. Only with regard to respondent no.5, as the requires is placed before the Executive Board and vide resolution, the Board has resolved to implement the

instructions of the Government issued in Circular Memo dated 12.8.2003 regarding providing of compassionate appointment on condition appointment for the department of the deceased employees as per the Government instructions. Based on the above resolution, respondent no.5 appointment was re-considered and issued orders appointing her as Junior Assistant on compassionate grounds based on her qualification as on the date of appointment. The said action is not violation of any Rules or contrary to the guidelines issued by the TTD dated 05.10.2018. Accordingly as the petitioners are not having qualifications as on the date of appointment and based on the circular issued by the Executive Officer dated 28.12.2010, they were considered and appointed on compassionate grounds as Assistant/Shroff. Hence all the petitioners are not entitled for any relief as claimed in the Writ Petition as they were all appointed as per the Rules/circulars which are in vogue at the time of appointment. Based on the above said facts, learned single Judge has considered the issue and passed the following order:

"11. As per G.O.Ms.No.612, General Administration (Services-A) Department, dated 30.10.1991, it reads as follows:

"(viii) The minimum qualification required to hold the post of Junior Assistant in the Heads of Departments/Directorates in Degree and in Subordinate Offices Intermediate. The candidates for compassionate appointment who do not possess the said qualifications can be considered for appointment if they possess atleast Intermediate/ Tenth Class qualification respectively, by giving reasonably time to acquire higher qualification prescribed under rules to hold such posts."

12. Therefore, it is very clear that the applicant must have minimum qualification required to hold the post of Junior Assistant in the Heads of Departments/ Directorates in Degree and in Subordinate Offices Intermediate. Here in the case of the petitioners, some of the petitioners have completed the Graduation required for the post of Junior Assistant in the 3rd respondent and others have obtained the requisite qualification within stipulated period for obtaining such qualification under the G.O.No. 687 and 612 and other Circulars of the Government of Andhra Pradesh. Therefore, those who are qualified Graduation is eligible for the post of Junior Assistant and remaining petitioners also sought permission to acquire eligibility criteria as per G.O.No.687 and 612. Therefore, the petitioners deserve to entitle for the post of Junior Assistant, but the petitioners were posted as Assistants/ Shroffs, without considering their representations and without following G.Os and Circulars' is declared as illegal and arbitrary.

13. Having regard to the facts and circumstances of the case, perusing the material on record and on considering the submissions of learned counsel, this Court directing the respondents to appoint the petitioners as Junior Assistants in their respective departments with all consequential benefits attached to the said post as per Board Resolution No. 364, dated 28.08.2018 followed by the TTD Circular dated 05.10.2018, within a period of four (04) weeks from the date of receipt of a copy of this order.

6. Learned senior counsel appearing on behalf of the appellants has placed reliance on the circular issued by the Executive Officer on 28.12.2010. The subject clearly indicates that the guideline has been issued for processing the applications of compassionate appointment for both medical invalidation and employees death cases. Paragraph no.3 of the circular reads as follows:

a) The applications have to be processed as per G.O. provisions based on the qualifications as on the date of application only. This provision has to be strictly complied with.

b) With regard to the qualification, the file has to be processed sticking on to the mentioned qualification given in their first application only and subsequent applications with respect to this request lacks validity.

c) The applicant cannot request for the posts which are not sanctioned in TTD service rules vide G.O.Ms.No.1060, dt.24.10.1989. The help desk may guide them while applying.

d) If the applicant is eligible for more than one post, then only Executive officer, TTD/Joint Executive Officer, TTD, Tirupati has to earmark for giving a particular post based on the requirement and his additional qualification if any. The section has to put up the details of vacant posts and roster points details thereon.

e) There should not be earmarking of roster point in the Roster Point Register before issue of final orders. Once post is indicated, relevant roster point may be indicated and order may be released.

7. According to the above conditions, with regard to qualification, the file has to be processed based on the qualification given in the first application only and the next applications lacks validity. In fact while considering the cases of the compassionate appointments, the Executive Officer who is the competent authority has issued a circular clearly indicating that the qualifications mentioned in the first application is only to be considered for such appointments. The said circular was not assailed by any one before this Court. Though the Government has issued certain circulars with certain guidelines dated 12.8.2003 as per G.O.Ms.No.687 GAD, in the said guidelines there are certain appointments subject to acquiring qualifications was also given. Undoubtedly the appellants/Institution has followed the said guidelines till 2010 i.e till issuing of circular by the Executive Officer. Admittedly after the circular issued by the Executive Officer on 28.12.2010, the appellants/Institution has followed strictly in terms of the above said circular and for making appointments on compassionate grounds. The petitioner nos.1 to 10 were also considered and appointed in terms of the circular issued by the Executive Officer dated 28.12.2010. At first

time, the issue was placed before the Board based on the representation made by respondent no.12 herein and the Board in its resolution no.364 has taken up the subject of respondent no.12 and after considering the said subject and also relevant circulars issued by the Government as well as the TTD and has passed the resolution which reads as follows:

27. Even though the Government in its Cir.Memo.No.60681/Ser.A/2003-1 dt.12.8.2003 issued provision for conditional appointments, the same was not followed in TTD from 2010 onwards and the instructions of the then E.O in Circular Roc.No.TL7/15504/2010 dt.28.12.2010 is being followed in TTD, which does not appear to have any legal validity.

28. In view of the above, the matter is placed before the TTD Board for taking a decision on the following:-

a) Whether the consider the request of Kum.K.V.Sreeja, Shroff/Assistant to appoint her as Junior Assistant on compassionate grounds as afresh, duly cancelling the earlier orders appointed as Shroff/Assistant vide Proc.Roc.No.E4/6513/2018 dt.29.6.2018 in terms of Cir.Memo.No.60681/Ser.A/2003-1 dt.12.8.2003.

b) To implement the instructions of the Government issued in Cir.Memo.No.60681/Ser.A/2003-a dt.12.8.2003 regarding providing of compassionate appointment on conditional appointment for the dependent of the deceased employee as per Government instructions.
Res.No.364, dated 28.8.2018.

Para No.28(a) approved and the orders of the Government may be followed in future also since the circular issued by EO, dated 28.12.2010 has no legal validity.

8. Based on the above said resolution, the appellants have issued circular on 05.10.2018 wherein at paragraph no.C(e) has incorporated by giving minimum period of three years to acquire the Intermediate qualification and five years for acquiring the Degree qualification in respect of candidates appointed to the post of Junior Assistants in

subordinate Offices and head of Departments. Based on the above circular, respondent no.5 case was considered and appointed as Junior Assistant vide proceedings dated 12.9.2018. But in the entire case as the respondent nos.1 to 10 were appointed based on the circular which was in vogue at the time of appointments and none of them have questioned their appointments or have questioned the circular. Hence by considering the exigencies, respondent nos.1 to 10 were appointed and they have joined without any protest and continuing all these years. Once they have appointed and continuing in the said post, after lapse of several years they are not entitled to claim any benefits in terms of the resolution passed by the Board or the Circular Memo dated 05.10.2018 of the appellants.

9. Reply to the said contentions, Sri J.Sudheer, appearing for respondent nos.1 to 10 has vehemently argued that the appellants/respondents more specifically respondent no.3 in the Writ Petition has no power to issue Circular/guidelines contrary to the Circular issued by the Government dated 12.8.2003. The Government has considered the entire issue in perspective manner and issued guidelines/scheme on compassionate appointment to the dependents of Government employees who died in harness. In terms of the said memo clause 6 prescribes eligibility which prescribes the educational qualifications has to be reckoned on the date of application of the

dependents of the deceased Government employee. Clause 7 prescribes a minimum period to acquire such qualifications. Three years was prescribed for obtaining Intermediate qualification and five years for acquiring degree qualifications. The said relaxation was extended by the appellants till 2010 and the Board itself has re-considered the issue and held that respondent no.3 has no power to issue such circular contrary to the guidelines of the Government. Once the Board has re-visited the entire issue and held that the said circular appears to have any legal validity. Once the Board has declare that legal validity and based on the said resolution, the appellant has issued one more circular on 05.10.2018, so it has to be applied from the date of 28.12.2010. The appellant has extended the Government Circular Memo dated 12.8.2003 till 28.12.2010. Admittedly, the same was again reintroduced vide memo dated 05.10.2018, in view of the said action all the persons those who were appointed on compassionate grounds were considered and appointed based on the Government Circular Memo dated 12.8.2003, except the petitioners those who are appointed from 28.12.2010 till 05.10.2018. Hence they are all entitled for consequential benefits.

10. While considering the above aspect, the coordinate bench of this Court has considered the entire issue and passed an order on 28.01.2024 taking a view that the Government circular itself is contrary

to the policy of implementation of compassionate appointment and passed the following order on 21.02.2024

Heard Sri S. Satyanarayana Prasad, learned Senior Counsel, along with Sri S. N. Chidhambara Sastry, learned Counsels appearing for the Appellants.

2. The Respondent No.12 in W.A.No.609 of 2022 arising out of W.P.No.7490 of 2019 has filed a Counter Affidavit enclosing therewith a list of Appointees numbering 58 who have been appointed, in anticipation of, they acquiring the qualification entitling them to hold the post. In other words, the appointments have preceded the actual act of appointee securing the qualification.

3. The learned Senior Counsel would submit that the Appellant-Tirumala Tirupathi Devasthanam has merely implemented a policy framed by the Government, whereby, such a relaxation has been made only in respect of persons applying for employment on compassionate grounds.

4. In that view, we can only express shock at the nature of the policy. It is unheard of and probably unknown to service jurisprudence, that a person without possessing the requisite qualification, can be permitted to hold a post in anticipation of him securing the post. It is not even a case of awaiting marks of any qualifying degree in an examination which would entitle the person to apply. But for this policy, the appointees would not have been even eligible to make an application for appointment, but unfortunately, people who are ineligible even to apply, have been not only permitted to apply but also have been appointed. An eligibility criteria is fixed with the object of ensuring that the person who is appointed is capable of discharging duties attached to the said post. To draw an analogy it tantamount to asking a student of MBBS to perform surgeries in the hope that he would one day acquire the decree requiring competence to practice as a surgeon.

5. It is also submitted that this practice has been prevailing in all the departments and at this stage we can only strongly deprecate that this methodology appointing ineligible and unqualified persons is not a prerogative vested with the employer. The moment rules are framed in consonance with the provisions of Article 309, the State has ceded its power to act arbitrarily. That apart, Articles 14 and 16 are framed in a manner in order to ensure that equal opportunity is given to all eligible and thereby ensure that the best of the talent is available to the employer. All these devious methods (we call it 'devious' as we find no other justification for the same) have only ensured back door entry to the posts which otherwise is governed by Rules put in place by the Legislature stipulating the eligibility criteria, etc.

6. The action in our considered opinion even at this stage appears to be in the teeth of the law laid down by the Constitutional Bench of the Hon'ble Apex Court in Secretary, State of Karnataka and Ors. Vs. Umadevi and Others

1 , wherein, the Constitutional Bench has not only declared such appointments as illegal, but has also prohibited such employments in the future to. But unfortunately, the actions complained of and before this Court today, clearly demonstrate a conduct that can be called as contumacious and clearly in contempt of the law laid down by the Apex Court in Uma Devi's case [supra]. We could at this stage to make a useful reference to the observations of the Hon'ble Apex Court as found in Para 51 which reads as under:

"The argument that the right to life protected by Article 21 of the Constitution of India would include the right to employment cannot also be accepted at this juncture. The law is dynamic and our Constitution is a living document. May be at some future point of time, the right to employment can also be brought in under the concept of right to life or even included as a fundamental right. The new statute is perhaps a beginning. As things now stand, the acceptance of such a plea at the instance of the employees before us would lead to the consequence of depriving a large number of other aspirants of an opportunity to compete for the post or employment. Their right to employment, if it is a part of right to life, would stand denuded by the preferring of those who have got in casually or those who have come through the back door. The obligation cast on the State under Article 39(a) of the Constitution of India is to ensure that all citizens equally have the right to adequate means of livelihood. It will be more consistent with that policy if the courts recognize that an appointment to a post in government service or in the service of its instrumentalities, can only be by way of a proper selection in the manner recognized by the relevant legislation in the context of the relevant provisions of the Constitution.

In the name of individualizing justice, it is also not possible to shut our eyes to the constitutional scheme and the right of the numerous as against the few who are before the court. The Directive Principles of State Policy have also to be reconciled with the rights available to the citizen under Part III of the Constitution and the obligation of the State to one and all and not to a particular group of citizens. We, therefore, overrule the argument based on Article 21 of the Constitution".

7. In fact, proceeding further, we also note the observations in Para 54 where the Hon'ble Apex Court has clearly expressed its angst, wherein it has declared that decisions which run counter to the principle settled by it, shall stand denuded of the status of a precedent.

8. A reading of Para 54 would further amplify that the Constitutional Bench has not merely eroded the basis and foundation of cases settled in the past, but has also placed a caveat on Courts passing similar directions in the future to. Despite the Constitutional Bench settling the law in categorical terms, we find that appointments made would reflect a scant regard to the law that was settled and still holds the field.

9. In that view, we direct the Appellants to intimate by Written Notice to the 58 persons whose names are found in Para 14 of the Counter regarding the allegations leveled by the 12th Respondent and it is made clear that such of those persons who wish to be heard by this Court regarding legality of their appointment are entitled to make an application. In the event of the persons named in Para 14 of the Counter choosing not to appear and justify their appointment, it would be construed by this Court that they have no grounds to canvass. The Appellants shall issue communication to the 58 named people in writing and also enclose a copy of this order and acknowledgment of the said communication to 58 persons shall be placed before this Court by the next date of hearing.

10. List the matter on 01.03.2024.

11. The offending circular appears to be Circular, dated 05.10.2018, at Para 'C' Sub-Para 'e' reads as follows:

"e. As per Cir.Memo

No.60681/Ser.A/2003-I GAD (Ser.A) dt.12.08.2003, a minimum period of 3 years to acquire Intermediate qualification and 5 years for acquisition of Degree qualification be allowed in respect of candidates appointed to the posts of Junior Assistants in the Subordinate Offices and Heads of Departments and Secretariat Departments as the case may be. The period should be reckoned from the date of appointment of the individual concerned. A further period of 2 years as grace period will be allowed to acquire the academic/Technical qualification."

12. As the policy has been devised by the Government, we request that the learned Advocate General by himself or by a Specially Appointed Government Pleader in this regard, to assist this Court on the legality of the policy framed by the State.

13. Copy of this order be forwarded to the learned Advocate General.

11. Based on the above orders, the appellants institution has issued notice to the persons who are appointed by giving relaxation based on the Government circular dated 12.8.2003, offering explanation. Based on the above notices, the respondents 13 to 64 were impleaded before this Court in this Writ Petition. Further respondent no.12 is concerned she was reverted and re-appointed as Shroff/Assistant. Subsequently the respondent no.12 has filed I.A.No.01 of 2026 questioning the proceedings dated 25.12.2023 reverting her as Shroff/Assistant from the

post of Junior Assistant. On perusal of the above orders, this Court has not inclined to convert the subject service matter into the Public Interest Litigation matter. Admittedly, the policy was introduced by the Government vide Circular Memo dated 12.8.2003 and the same has been implemented throughout the State. As far as implementation of the said Government memo by the Government as well as other State bodies based on their statutory rules and regulations. After this length of time, now this Court is not inclined to go into the merits of the said aspects and to decide whether the said circular memo is contrary to the scheme or not. As far as present case is concerned as the facts are not in dispute, the only question fell for consideration before this Court is whether the dependent family members of deceased employees and after being appointed on compassionate basis, later whether they are entitled for any indulgence of the employer for appointment to higher post. The identical facts were considered by the Hon'ble Apex Court in ***The Director of Town Panchayat & Ors. Vs. M.Jayabal & Anr.***¹ In Civil Appeal Nos.12640-12643 of 2025 and the relevant paragraphs reads as follows:

9. The law on the issue is well-settled. The issue as to whether a second option can be exercised by the dependent family member of the deceased employee, once option for compassionate appointment has already been exercised and the dependent family member of the deceased joined on the post to which appointment was given, was considered by this Court in [State of Rajasthan v. Umrao Singh](#) 10. In this case, the deceased was

¹ 2025 INSC 1423

working as Sub-Inspector, CID. On account of his death during service, application for appointment on compassionate basis was made. The dependant was offered appointment on the post of L.D.C. The same was accepted and the incumbent joined on the post. Later, he requested for consideration of his case for appointment on the post of Sub-Inspector, being eligible for the same. This Court negated the claim holding that once right for consideration for appointment on compassionate post was consummated, any further or second consideration for a higher post on the ground of compassion would not arise. The relevant paragraph 8 is extracted below:

"8. Admittedly the respondent's father died in harness while working as Sub-Inspector, CID (Special Branch) on 16-3-1988. The respondent filed an application on 8-4-1988 for his appointment on compassionate ground as Sub-Inspector or LDC according to the availability of vacancy. On a consideration of his plea, he was appointed to the post of LDC by order dated 14-12-1989. He accepted the appointment as LDC. Therefore, the right to be considered for the appointment on compassionate ground was consummated. No further consideration on compassionate ground would ever arise. Otherwise, it would be a case of "endless compassion". Eligibility to be appointed as Sub-Inspector of Police is one thing, the process of selection is yet another thing. Merely because of the so-called eligibility, the learned Single Judge of the High Court was persuaded to the view that direction be issued under proviso to Rule 5 of Rules which has no application to the facts of this case." (emphasis supplied)

10. In view of the law [laid down by](#) this Court, it stands clarified that the once the right of an applicant to be considered for appointment on compassionate grounds has been consummated, no further consideration is warranted. Once dependent of a deceased employee is offered employment on compassionate basis, his right stood exercised. Thereafter, no question arises for seeking appointment on a higher post. Otherwise, it would be a case of 'endless compassion'.

12. Keeping in view the core objective behind appointment on compassionate basis, as has been discussed in a catena of judgments of this Court, it is well settled that compassionate appointment is a relief against immense financial hardship caused by the sudden and unforeseen loss of the earning member of a family. In such event, when a dependant family member of the deceased employee is provided appointment on compassionate basis, it is done in order to ensure that the family members are not subjected to impoverishment. Therefore, such appointment which is arising out of exceptional circumstances, cannot be used as a ladder to climb up in seniority by claiming a higher post merely on the basis that he/she is eligible for such post.

18. From the position of law as enunciated above, it is evident that the foundation of any claim based on equity has to be devoid of the element of negative discrimination. The respondents in the present case are heirs of the deceased employees who were appointed on compassionate basis upon the death of their fathers. Their appointment, in its own self, was a sufficient relief to serve the actual purpose behind compassionate appointments. The further claim of seeking appointment on a higher post cannot be based on the sole

premise that another similarly placed person was granted such benefit. It is a settled proposition of law that an illegality committed by an authority cannot be validated and further perpetuated by its extension to other similarly placed persons. Thus, the contention of respondents that they may be appointed on a higher post in view of similar benefit being granted to another person is wholly misplaced and unsustainable in the eyes of law.

19. From the law on the issue which we have referred to in the aforesaid paragraphs, it is clearly culled out that illegal orders, passed in case of similarly situated person, will not confer any right upon the other person to come to the court and enforce the same claiming discrimination. Such plea cannot be accepted as the authorities cannot be directed to perpetuate the wrong committed by them. The party in such cases may have different remedies. We are not dilating on the same

12. A perusal of the above observations, the Hon'ble Apex Court has considered the identical issue and categorically held that once the option for compassionate appointment has already been exercised and dependant family members of the deceased join in the post which the appointment was given and later on request for consideration of appointment of higher post was negated holding that once the right for consideration of appointment of compassionate post was consummated and further or subsequent consideration for higher post would not arise and in fact in the above case also claim was made based on the benefit given to the others and that was also negated stating that the orders passed in similarly situated persons will not confer any right on the other persons who came to the Court claiming discrimination. As the Hon'ble Apex Court has already considered and held that the persons those who are considered and appointed like petitioners in the Writ Petition later they are not entitled to claim any benefit based on subsequent circulars or benefit given to some other persons. Admittedly in the instant case

all the petitioners were appointed on compassionate ground and they have all accepted but for the subsequent reasons though they may be entitled but they are not entitled to claim said benefits as declared by the Hon'ble Apex Court.

13. Accordingly, the Writ Appeal is allowed and the impugned order in W.P.No.7490 of 2019 dated 26.4.2022 is set aside declaring that the petitioners/respondents therein are not entitled for any benefits in terms of the resolution dated 28.8.2018 and other circular dated 05.10.2018. As observed above, this Court is not inclined to go into the validity of the Circular Memo dated 12.8.2003 and the appointments made thereon. The notice issued to respondent nos.13 to 64 and also the reversion orders dated 25.12.2023 issued to respondent no.12 herein are set aside. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any, in the writ appeal, shall also stand closed.

JUSTICE D.RAMESH

JUSTICE ALAPATI GIRIDHAR

24.8.2026
RD

THE HONOURABLE SRI JUSTICE D RAMESH
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 609 of 2022

24.8.2026

RD