

**THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
WEDNESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

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

WP. Nos. 126 and 127 of 2026

WRIT PETITION NO: 126 OF 2026 :

Between:

1. Union of India, Represented by Secretary, Ministry of Defence, New Delhi.
2. Secretary DD Rand D and Chairman DRDO, Ministry of Defence, DRDO Bhawan, New Delhi.
3. Director General (HR) DRDO, Ministry of Defence, 'A' Block, DRDO Bhawan, New Delhi-110011.
4. Director of Personnel, DRDO, 217, 'A' Block, DRDO Bhawan, New Delhi-110011.

Petitioners

AND

1. Dr. Sivasubramaniam Nambi Naidu, S/o. Late Sri. Nambi Naidu, aged about 57 years, Occ. Distinguished Scientist, DRDO, R/o. G1, Sai Keerthi Apartments, Ganesh Nagar, Ramanthapur, Hyderabad - 500 013
2. Dr. Jaiteerth R Joshi, Occ. Outstanding Scientist, DRDL, Kanchanbagh, Hyderabad R/o. Ramanthapur, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari, calling for the records passed in OA No. 021/02253/2024, impugned judgment dated 29/12/2025 by the Central Administrative Tribunal, Hyderabad Bench, quash and set aside the same as it is contrary to law and perverse.

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 to suspend the operation of the impugned order passed in OA No. 021/02253/2024 dated 29.12.2025 by the Hon'ble Central Administrative Tribunal, Hyderabad Bench pending disposal of WP 126 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. Tushar Mehta, Solicitor General of India represents Mr. N. Bhujanga Rao, Deputy Solicitor General of India, Advocate for the petitioners, Mr. B. Nalin Kumar, Senior Counsel represents Mr. Kowturi Pavan Kumar Advocate for respondent No.1.

WRIT PETITION NO: 127 OF 2026 :

Between:

Dr. Jaiteerth Joshi, S/o. Late. Raghavendra R Joshi Aged 55 Years Occ- Director General (BrahMos) Official Residence at- 4th Floor, Cottage Development Enclave, Shankar Vihar New Delhi - 110010 Permanent Residence at- 3-10-93/1, Gokhale Nagar, Ramanthapur Hyderabad- 500013.

Petitioner

AND

1. Dr. Sivasubramaniam Nambi Naidu, S/o. Late Sri Nambi Naidu Aged 58 years, Occ- Distinguished Scientist, DRDO R/o. G 1, Sai Keerthi Apartments, Ganesh Nagar Ramanthapur, Hyderabad- 500013.

Respondent/Applicant

2. Union of India. Rep. By its Secretary Ministry of Defence, New Delhi
3. The Ministry of Defence, Rep. By its Secretary R and D and Chairman DRDO DRDO Bhavan, New Delhi
4. The Director General (HR), DRDO Ministry of Defence, A Block DRDO Bhavan, New Delhi- 110011
5. The Director of Personnel, DRDO 217, A Block, DRDO Bhavan New Delhi- 110011.

Respondents/Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issued a Writ, Order or Direction, particularly in the nature of Writ of Certiorari, calling for the records pertaining to the order passed by the Central Administrative Tribunal, Hyderabad Bench in OA No. 021/02253 of 2024 Dt. 29.12.2025 and quash the same as being bad, arbitrary, illegal and violative of Article, 14, 16 and 19 of the Constitution of India.

IA NO: 2 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 to stay the operation of the orders passed by the Central Administrative Tribunal, Hyderabad Bench in OA No. 021/02253 of 2024 Dt. 29.12.2025, pending disposal of WP 127 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Niranjan Reddy, Senior Counsel represents Mr. S. Sahil Reddy, Advocate for the Petitioner, Mr. B. Nalin Kumar, Senior Counsel represents Mr. Kowturi Pavan Kumar Advocate for respondent No.1.

The Court made the following.

ORDER:

Mr. Tushar Mehta, learned Solicitor General of India represents Mr. N. Bhujanga Rao, learned Deputy Solicitor General of India for the petitioners in W.P.No.126 of 2026.

Mr. S. Niranjan Reddy, learned Senior Counsel represents Mr. S. Sahil Reddy, learned counsel for the petitioner in W.P.No.127 of 2026.

Mr. B. Nalin Kumar, learned Senior Counsel represents Mr. Kowturi Pavan Kumar, learned counsel for respondent No.1.

2. We have heard learned counsel for the parties. For convenience, parties are referred to as arrayed before the learned Central Administrative Tribunal, Hyderabad Bench (for short, "the Tribunal").

3. Learned Tribunal in the impugned order dated 29.12.2025 passed in O.A.No.021/02253 of 2024 has set aside the appointment of respondent No.5 and directed to reconsider the claim of applicant for appointment to the post of Director General (BrahMos) within a period of four weeks from the date of receipt of a copy of the order. It has further directed that till a decision is taken on the appointment, the respondents shall make an incharge arrangement, but not with respondent No.5. The selection process for appointment to the post of Director General was initiated vide Advertisment No.3 of 2024(1), dated 12.09.2024. The essential requirement for the post of Director General (BrahMos) is a Scientist in the Grade of SC "H" which both the applicant and respondent No.5 possess. One of the criteria was that the applicant should have 18 months of residual service. They should have served as a Director of a laboratory/Programme Director/ Corporate Director. The process of screening and shortlisting was to be undertaken by a two-member committee comprising of Director of Personnel (DOP) and SO to DG(HR). The list of eligible candidates should be submitted to the Selection Committee.

4. The Selection Committee comprised of three members headed by Chairman, Recruitment and Assessment Centre (RAC), with other members, being Director, Indian Institute of Management (IIM), Vishakapatnam; Vice Chancellor, Defence Institute of Advanced Technology (DIAT) and Director General, Human Resource (HR), DRDO Head Quarters. As per clause (5) of the advertisement, the said Selection Committee, upon interaction with the eligible candidates had to recommend a panel of 3 candidates to the Secretary, DDR&D and Chairman, DRDO. As per clause (7) of the advertisement, the reference date for deciding the eligibility criteria for the candidate will be the date on which the post falls vacant. Further clause (7) clarified that a serving DRDO Scientist with immaculate service records having adequate technical experience of working in DRDO will be considered for appointment to the post of Director General.

5. The Standing Operating Procedure (SOP) for selection to the post of Director Generals had been laid down vide office order No.DG(HR)/01/01/GC/SOP-DG & DIR/2022. The SOP provided that the Director Generals of the Corporate Bodies such as Human Resource etc., are entrusted with the responsibility of corporate affairs of the organization. It further provided that the process of selection of these Heads has been devised with an aim to identify the most suitable candidates with high technical acumen, profound managerial and leadership capabilities who can lead from the front to achieve organizational objectives.

6. As per clause (j) of the General Guidelines of SOP, the Selection Committee may call for interaction meeting with the eligible candidates before finalizing the panel of recommended candidates. The metrics for selection of the candidates along with respective weightings is appended to the SOP. The committee will recommend a panel of maximum 3 candidates to Secretary, DDR&D and Chairman, DRDO.

7. As per clause (k) of the General Guidelines, the Secretary, DDR&D and Chairman, DRDO may then approve one of the names in the panel submitted by the Selection Committee for appointment to the position of Director General.

8. As per clause (l) of the General Guidelines, in exceptional circumstances, the Secretary, DDR&D and Chairman, DRDO may exercise his discretionary powers for the said appointments. Clause (3) of the SOP prescribed qualitative requirements for appointment and the essential requirements are (1) A Scientist in the grade of SC "H" or above, (2) A Scientist who has served tenure as Director of a Laboratory/Programme Director/Corporate Director and (3) Should have at least 18 months of residual service. M.Tech/Ph.D., is the desirable qualification.

9. After the scrutiny of the application, the Selection Committee recommended a panel of three candidates, who were arranged in alphabetical order including the applicant in O.A., with respondent No.5 being the first applicant his name starting from alphabet H. Out of the panel of three members, the Secretary, DDR&D and the Chairman, DRDO recommended the name of respondent No.5, who was appointed as Director General (BrahMos) on 01.12.2024. This was made the subject matter of challenge.

10. The applicant before the learned Tribunal, made the following prayer:
"...it is humbly prayed that this Hon'ble Court may be pleased to set aside the Office Order bearing No.DOP/05(DRDS-III)/53258/DG (BrahMos) M/01, dated 25.11.2024 issued by the respondent No.4 and consequently direct the respondent to appoint the applicant as the Director General (BrahMos) pursuant to the Advertisement No.3/2024(1) closing dated 12.09.2024 and pass such other order or orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case."

11. The learned Tribunal after consideration of the case of the parties, the pleadings on record, quashed the appointment of respondent No.5 and directed the respondents to reconsider the claim of the applicant for appointment to the post of Director General (BrahMos) within a period of four weeks from the date of receipt of the order.

12. Learned Solicitor General of India appearing for the Union of India has submitted that the post of Director General (BrahMos) a project of highly strategic importance in which the Government of India and the Government of Russia are in collaboration is of very sensitive nature. This selection process is not based upon the principles of merit-cum-seniority or seniority-cum-merit, but is largely based upon the suitability of the candidate as assessed by the competent authority at a very high level. It is submitted that in no way, the Union of India passes any stigma on the eligibility or candidature of the applicant. The high level Selection Committee after interaction has recommended the names of three persons, who included the applicant, respondent No.5 and one more candidate. The Selection Committee had given same marks to the applicant and respondent No.5. Learned Tribunal has gone beyond the scope of judicial review to question the recommendation of the Selection Committee though there are no allegations of bias or *mala fide* or any violation of rule or non-compliance of eligibility criteria by the selected candidate i.e., respondent No.5. It is further submitted that the learned Tribunal has erroneously stepped into the shoes of the Selection Committee to

assess the comparative merit of the applicant vis-à-vis respondent No.5. None of the conditions of the advertisement or the SOP have been violated. The applicant and respondent No.5 both are fulfilling the essential criteria of Scientists in Grade-H.

13. Learned Additional Solicitor General of India has further added that the applicant had also been promoted as an outstanding Scientist before the cut-off date. Therefore, he submits that the impugned orders deserve interference.

14. Mr. S. Niranjan Reddy, learned Senior Counsel appearing for respondent No.5 in O.A., has submitted that both the SOP and the Defence Research and Development Service Rules, 2023 were in existence before issuance of advertisement dated 12.09.2024. He also submitted that the selection exercise was done completely in consonance with the criteria laid down in the advertisement and as per the SOP and the rules to which the applicant has not been able to demonstrate any infirmity. The applicant has participated in the selection process pursuant to the advertisement fully aware of the rules. The learned Tribunal therefore committed a serious error in interfering with the appointment of respondent No.5 though there are no allegations of *mala fide* or violation of any rules. The learned Tribunal has acted as a Selection Committee and unwarrantedly commented upon the fair selection process conducted by the Selection Committee for appointment of the Director General (BrahMos).

15. Learned Senior Counsel for the applicant has also referred to the provisions of advertisement and the SOP particularly clauses (i) and (j) and submitted that the Selection Committee did not follow the metrics laid down for recommending the panel of three names. It is further submitted that the applicant was promoted to the post of Scientist-H in 2017 and thereafter he got two more promotions up to 2024 i.e., before the cut-off date for consideration for appointment to the post of Director General in terms of the advertisement. He has also taken this Court to the findings of the learned Tribunal specifically paras 20, 22, 29, 30 and 31 and submitted that the learned Tribunal has rightly commented upon the minutes of the Selection Committee meeting as it did not reflect as to how the markings were made in favour of respondent No.5. There was no basis for recommending the names in alphabetical order, which according to the learned counsel for the petitioner, is basically recommendation on the basis of ranking where respondent No.5 was placed at Sl.No.1. He has also referred to the counter affidavit of the Union of India and submitted that the learned Tribunal has taken into note the names recommended in alphabetical order for the post of Director General (BrahMos) without indicating any merit or seniority of the recommended names though there was no rule to that effect.

16. Reliance has been placed on a decision of the Apex Court in *Bedanga Talukdar vs. Saifudaullah Khan and others* ((2011) 12 SCC 85) on the proposition that the selection exercise should not suffer from arbitrariness or undue faith being shown to any candidate. It has to be conducted strictly in accordance with the stipulated selection procedure, which is not done in the present case. Therefore, the learned Tribunal has in the concluding paragraphs of the impugned order rightly held that there is manifest arbitrariness in the decision of respondent Nos.1 to 4 in appointing respondent No.5 as Director General (BrahMos).

17. We have heard learned counsel for the parties at considerable length.

18. At this stage of interim relief, we do not wish to make detailed comments upon the findings on merits by the learned Tribunal. However, on a *prima facie* consideration of the submission of learned counsel for the parties, based on the materials on record and on perusal of the impugned judgment, we are of the view that in a selection process to such a sensitive and important post of Director General (BrahMos), wherein the appointment of respondent No.5 was made by the competent authority out of a panel of three names recommended by the Selection Committee in which the applicant's name also appears, the learned Tribunal without any allegations of *mala fide* or bias or violation of statutory rules or violation of the essential conditions of advertisement/SOP has proceeded to quash the appointment of respondent No.5 by imposing its views and stepping into the shoes of the Selection Committee. Taking into account that the post is of such sensitive nature and importance which cannot be allowed to be kept vacant or made incharge arrangement as directed by the learned Tribunal, the impugned order deserves to be stayed.

19. Therefore, there shall be interim suspension of the impugned order during pendency of these writ petitions.

20. The applicant (respondent No.1 in both the cases) and respondent No.5 (petitioner in W.P.No.127 of 2026) are allowed four weeks time to file counter affidavits. Two weeks thereafter is allowed to file reply.

21. List these matters on 24.02.2026.

SD/-M.JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Dr. Sivasubramaniam Nambi Naidu, S/o. Late Sri. Nambi Naidu, Occ. Distinguished Scientist, DRDO, R/o. G1, Sai Keerthi Apartments, Ganesh Nagar, Ramanthapur, Hyderabad - 500 013.
2. Dr. Jaiteerth R Joshi, Occ. Outstanding Scientist, DRDL, Kanchanbagh, Hyderabad R/o. Ramanthapur, Hyderabad
3. The Secretary Ministry of Defence, Union of India, New Delhi.
4. The Secretary, Ministry of Defence, R and D and Chairman DRDO Bhavan, New Delhi
5. The Director General (HR), DRDO Ministry of Defence, A Block DRDO Bhavan, New Delhi- 110011
6. The Director of Personnel, DRDO 217, A Block, DRDO Bhavan New Delhi- 110011.
(For 1 to 6 by SPAD)
7. One CC to Sri N Bhujanga Rao, Dy SOLICITOR GEN OF INDIA. [OPUC]
8. One CC to Sri Sirgapor Sahil Reddy, Advocate [OPUC]
9. One CC to Sri Kowturu Pavan Kumar, Advocate [OPUC]
10. One spare copy

HIGH COURT

HC,J
AND
GMM,J

DATED:07/01/2026

LIST ON 24.02.2026.

ORDER



WP. Nos. 126 & 127 of 2026

INTERIM SUSPENSION