



[3447]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

WRIT PETITION NO: 12161 OF 2024

Between:

R. Gopi Krishna Varma, S/o Late R. Rajeshwar Rao, aged 54 years, Occ Sr. Assistant, Principal CBI Court, Nampally, Hyderabad, R/o H.No.1-8-185, Ganeshpuri Colony, Dilsukhnagar, Hyderabad.

...PETITIONER

AND

1. The High Court for the State of Telangana, Rep. by its Registrar General, Hyderabad
2. The Registrar (Admn), High Court for the State of Telangana, Hyderabad
3. The Principal Special Judge for CBI Cases, Hyderabad
4. Smt. Vidya, W/o not known to the Petitioner, aged Major, Superintendent, Court of II Additional Special Judge for CBI Cases, Hyderabad
5. Smt. M. Annapurna, W/o not known to the Petitioner, aged Major, Superintendent, Court of III Additional Special Judge for CBI Cases, Hyderabad
6. Smt. M. Hemalatha, W/o not known to the Petitioner, aged Major, Superintendent, Court of Spl. Judge for trial of Cases under Essential Commodities Act, Hyderabad
7. Smt. D. Gangamani, W/o not known to the Petitioner, aged Major, Superintendent, Court of Prl. Spl. Judge for CBI Cases, Hyderabad
8. K. Chaitanya Krishna, S/o not known to the Petitioner, aged Major, Superintendent, Court of Spl. Judge for speedy trial and disposal of cases on Fraudulent drawls and misappropriation of scholarship amounts in Social Welfare, Trial Welfare and Backward Classes Departments (Embezzlement of Funds in Social Welfare Department)- cum- II Addl. Spl. Judge for SPE and ACB Cases, Hyderabad.
9. Smt. L. Y. Amaravathi, W/o not known to the Petitioner, aged Major, Superintendent, Court of III Addl. Spl. Judge for CBI Cases, Hyderabad
10. Sri Mohd. Mustaq Ahmed, S/o not known to the Petitioner, aged Major, Superintendent, Court of Spl. Judge for trail of Economic Offences Cases, Hyderabad on deputation at Prl. Spl. Judge for CBI Cases, Hyderabad
11. N. Srinivas, S/o not known to the Petitioner, aged Major, Superintendent, Court of I Addl. Spl. Judge for SPE and ACB Cases, Hyderabad
12. Sri I. Veerabhadra Rao, S/o not known to the Petitioner, aged Major, Superintendent, Court of II Addl. Spl. Judge for CBI Cases, Hyderabad
13. Sri N. Narsing Rao, S/o not known to the Petitioner, aged Major, Superintendent, Court of Prl. Spl. Judge for trail of SPE and ACB Cases, 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not following the Telangana Judicial Ministerial and Subordinate Service (amended) Rules, 2018 vide GO.Ms.No.37 Law LA, LA and J- Home- Courts. B) Department, dated 20.05.2021 while not considering promotion of the petitioner from the post of Senior Assistant (Category- 4) to the post of Superintendent (category 3) in the unit of the 3rd respondent as being arbitrary, illegal, violative to Rules made in TJVISS (amended) Rules so also Articles 14,16 and 21 of the Constitution of India, and consequently direct the 3rd respondent to consider to promote the petitioner to the post of Superintendent by following TJMSS (amended) Rules by revising promotion proceedings dated 31.05.2022, effecting promotion to petitioner from 31.05.2022 on par with the unofficial respondents 4 and 5, and also revising promotion proceedings dated 2.09.2023, on part with the unofficial respondents 6 to 13, by considering petitioner representations dated 08.07.2022, 30.08.2022, 21.09.2023 and 11.03.2024.

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 consider promotion to the post of Superintendent (category - 3 in accordance with GO.Ms.No. 37 Law LA, LA and J-Home-Courts B) Department, dated 20.05.2021, by revising promotion proceedings dated 31.05.2022, effecting promotion to petitioner from 31.05.2022 on par with the unofficial respondents 4 and 5, and also revising promotion proceedings dated 02.09.2023, on part with the unofficial respondents 6 to 13, by considering representations dated 8.7.2022, 30.08.2022, 21.09.2023 and 11.03.2024.



2026:TSHC:9847-DB

Counsel for the Petitioner: SRI GARLAPATI JITHENDER REDDY
Counsel for the Respondent Nos.1 TO 3: SRI VEDULA SRINIVAS, SENIOR
COUNSEL FOR Ms. VEDULA CHITRALEKHA, SC FOR TSHC
Counsel for the Respondent Nos.4 TO 13: --

The Court made the following: ORDER



2026:TSHC:9847-DB

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

**THE HONOURABLE SRI JUSTICE P. SAM KOSHY
AND**

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT PETITION NO.12161 OF 2024

Date: 26.03.2026

Between:

R. Gopi Krishna Varma

...Petitioner

AND

***The High Court for the State of Telangana
Rep. by its Registrar General, Hyderabad and 12 others***

...Respondents

ORDER

Heard ***Mr.G.Jithender Reddy***, learned counsel for the petitioner and ***Mr.Vedula Srinivas***, learned Senior Counsel representing ***Ms.Vedula Chitrlekha***, learned Standing Counsel for the High Court appearing for respondent Nos.1 to 3.

2. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following relief/s, viz.,

".....to declare the action of the respondent No.3 in not following the Telangana Judicial Ministerial and Subordinate Service (amended) Rules, 2018 vide G.O.Ms.No.37 (Law LA, LA&J-Home-Courts.B) Department, dated 20.05.2021 while not considering promotion of the petitioner from the post of Senior Assistant (Category-4) to the post of Superintendent (Category-3) in the unit of the respondent No.3 as being arbitrary, illegal, violative of Rules made in TJMSS (amended) Rules; so also Articles 14, 16 and 21 of the Constitution of India, and consequently direct the respondent No.3 to consider the petitioner for promotion to the post of Superintendent by following TJMSS (amended) Rules by revising promotion proceedings dated 31.05.2022, effecting promotion to petitioner from 31.05.2022 on par with the unofficial respondent Nos.4 and 5, and also revising promotion proceedings dated 02.09.2023, on par with the unofficial respondent Nos.6 to 13 by considering petitioner representations dated 08.07.2022, 30.08.2022, 21.09.2023 and 11.03.2024 and pass order or orders as deemed fit and property in the interest of justice."

3. The brief facts of the case are that the petitioner was initially appointed as Copyist, vide proceedings No.1207, dated 17.02.1994, at District and Sessions Judge Court Unit, Medak at Sangareddy. Thereafter, the petitioner was transferred to the



unit of Metropolitan Sessions Judge Unit, Hyderabad in the year 2009 as Typist and later promoted as Senior Assistant (Category-7) on 03.04.2017. Further, on petitioner's request, he was transferred to the Unit of Principal Special Judge for CBI Cases, Hyderabad and has been working since 2020.

4. As things stood, the name of the petitioner was shown at Serial No.4 for his next promotion for the post of Superintendent (Category-3). The respondent No.3 issued call letter, dated 21.05.2022 to attend interview on 28.05.2022 for promotion to the post of Superintendent (Category-3) as the petitioner stood at Serial No.4, however respondent No.3 did not consider the petitioner's name for promotion and issued promotion order to other employees including the petitioner's junior who stand at Serial No.5 and 6. Upon enquiry, it was orally informed that petitioner was not considered for promotion on the ground that he was not holding a Graduation degree.

5. On 30.08.2022, the petitioner submitted a detailed representation seeking consideration of his name for promotion to the post of Superintendent, as per G.O.Ms.No.37, dated



20.05.2021. On 02.09.2023, the petitioner was called for interview, but again he was not considered for promotion without assigning any reasons, though he stood at Serial No.1, but other petitioner's junior employees were promoted to the post of Superintendent, ignoring the petitioner. Thereafter, petitioner submitted four representations on various dates, but till date, the same were neither considered nor disposed.

6. Learned counsel for the petitioner submits that as per G.O.Ms.No.29 dated 18.05.2018, The Telangana Judicial Ministerial and Subordinate Service Rule, 2018, the eligibility for being promoted to the post of Superintendent is that the person should possess Graduation from any recognized University and he also must have passed prescribed departmental tests such as Civil Judicial Test Papers (I and II), Criminal Judicial Test and Accounts Test for Subordinate Officers Part-I. Thereafter, on recommendation of the respondent No.1, the State Government issued amended G.O.Ms.No.37, dated 20.05.2021, whereby Rule 35 for clause (b), the following shall be substituted as below:



G.O.Ms.No.29, dated 18.05.2018 Rule 35, Clause(b)	G.O.Ms.No.37, dated 20.05.2021 Rule 35, Clause(b) substituted/amended
<i>(b) In case of persons who are in service on the date of issue of these rules and who are otherwise eligible for promotion to the higher posts of category 2 to 7 and for whom a Graduation Qualification is now prescribed as a pre-requisite for such promotion, may be promoted, even though they do not possess the Graduation Qualification, but they shall be required to acquire the prescribed qualification within the period of five (5) years from the date of promotion. This concession shall be in force for a period of three (3) years from the date of issue of these rules.</i>	<i>“(b) In case of persons who are in service on the date of issue of these rules and who are otherwise eligible for promotion to the higher posts of category 2 to 10 and for whom a Graduation Qualification is now prescribed as a pre-requisite for such promotion, may be promoted, even though they do not possess the Graduation Qualification, but they shall be required to acquire the prescribed qualification within the period of five (5) years from the date of promotion. This concession shall be in force for a period of three (3) years from the date of issue of these rules. “</i>

7. Learned counsel for the petitioner submitted that as per the said G.O.Ms.No.29, dated 18.05.2018 and the amended rule vide G.O.Ms.No.37, dated 20.05.2021 which will be in force for a period of three years and end by 19.05.2024 and during the said period the petitioner was initially called for interview on 28.05.2022 for promotion to the post of Superintendent (Category-3) as the petitioner is fully eligible for relaxation/concession and entered into the zone of consideration, as the amended rules were in force. However,

respondent No.3 did not choose to consider the name of the petitioner under the said amended rule.

8. Learned counsel for the petitioner further contended that in other units of judiciary, similarly placed employees were given promotions, who do not possess the Degree Qualification, subject to acquiring prescribed qualification within a period of five (5) years from the date of their promotion as per G.O.Ms.No.37, dated 20.05.2021, Rule 35, Clause(b), but the official respondents did not consider the petitioner's promotion to the post of Superintendent which is violative under Articles 14, 16, and 21 of the Constitution of India and prayed this Court to direct the Respondent No.3 to consider the petitioner for promotion to the post of Superintendent and pass appropriate orders.

9. *Per contra*, learned Senior Counsel appearing for the respondent Nos.1 to 3 contended that petitioner could not be selected for promotion in both interviews on 28.05.2022 and 02.09.2023, as the petitioner has not acquired the requisite qualification of Graduation and that relaxation/concession



period of three years, vide G.O.Ms.No.29, dated 18.05.2018 which expired by 18.05.2021 itself. The amendment rule, vide G.O.Ms.No.37, dated 20.05.2021 do not apply to the petitioner as the concession period for promotion for the category 2 to 7 was ended on 18.05.2021, which was later extend to the category 8 to 10 as per amended rules and the concession would apply to the categories to 8 to 10 only.

10. Learned Senior counsel further contended that promotion from the Category-7 to Category-3 i.e., from Senior Assistant to Superintendent will not be applicable, as the life of the G.O.Ms.No.29, dated 18.05.2018 was ended on 18.05.2021 and the vacancy fall vacant for the post of Superintendent on 28.05.2022, therefore the said G.O.Ms.No.29, dated 18.05.2018 will not be applicable on the petitioner's case. The Rule 35, Clause(b) amended, vide G.O.Ms.No.37, dated 20.05.2021 is applicable to the categories 8 to 10 and the concession also applies to categories 8 to 10, but not to the petitioner who falls in the category 2 to 7.

11. Learned Senior counsel further contended that after issuance of G.O.Ms.No.29 dated 18.05.2018, the promotion to the post of Superintendent (Category-3) clearly stipulates that the qualification prescribed for promotion from the cadre of Senior Assistant (Category-7) is Graduation from any recognized University and in the G.O.Ms.No.37, dated 20.05.2021, other amendments were made in respect of additional qualification i.e., computer skills for direct recruitment, method of appointed by direct recruitment without amending the educational qualification.

12. Learned Senior counsel further contended that said wording which was made as "now" prescribed under the G.O.Ms.No.37, dated 20.05.2021 Rule 35, Clause(b), the said G.O. relates to the posts where qualification of Degree was prescribed and further contended that as per G.O.Ms.No.29, it specifically shows that, it is in respect of persons who are in service as on the date of issuance of the said Rules and who were otherwise eligible for promotion to the higher posts falling under categories 2 to 7, for which graduation qualification prescribed as a pre-requisite for such promotion and such



persons may be promoted even though they do not possess the graduation qualification. However, such persons are required to acquire the prescribed qualification within a period of five (5) years from the date of promotion and the concession was made to be in force for a period of three (3) years from the date of issuance of the Rules.

13. Learned Senior counsel has specifically stated that G.O.Ms.No.29, dated 18.05.2018 pertains to the Category 2 to 7, which also includes the post of Superintendent and even G.O.Ms.No.37, dated 20.05.2021 has the similar provision under Rule 35 which also mentions or refers to the wording of "now". The scope of the categories was extended from Category 2 to 7 to category 2 to 10 and Graduation qualification was made compulsory for the category 8 to 10 under the said G.O.Ms.No.37, dated 20.05.2021, without disturbing the existing rider.

14. Heard both sides. Perused the material on record.

15. The contention of the petitioner is that during the period 2021-2024, the petitioner was not promoted to the post of Superintendent (category-3) on par with the similar situated employees. On perusal of record it is evident that many employees were given promotion to the post of Superintendent in other units though they did not possess the Graduation qualification but considering their case in terms of G.O.Ms.No.37, dated 20.05.2021 and the petitioner was eligible to get concession under the said G.O., as the petitioner seeking promotion from the year 2022 onwards.

16. The reasons which are cited by the respondents for non-considering the petitioner for promotion is that the petitioner does not come within the G.O.Ms.No.37, dated 20.05.2021 as the Educational Qualification was prescribed as "*Graduation*" for such promotion in the year 2018 itself instead of intermediate and the concession period was made for three (3) years only. In fact it is the life of the said G.O.Ms.No.29, dated 18.05.2018 is upto 18.05.2021. Another ground raised by the learned Senior counsel appearing for respondent Nos.1 to 3 is that the G.O.Ms.No.37 is not applicable for the petitioner for the reason



that the said G.O. is only applicable for employees falling under Category 8 to 10 for the employees who do not possess have Graduation qualification, and applicability of the same is from 20.05.2021 as the word used in said G.O. is “now”, which as per the learned Senior means for the present when the promotion stood place.

17. It is pertinent to mention that the word which is used as “now” was already mentioned in G.O.Ms.No.29, dated 18.05.2018 and there is no change with same rider in the G.O.Ms.37, dated 20.05.2021, however it was mentioned that it was applicable for employees who are falling under the Category 2 to 10 and where the pre-requisite qualification prescribed is Graduation. Admittedly, the petitioner falls under the category-7 and the reason cited by the official respondents that non-applicability of the said G.O.Ms.37, dated 20.05.2021 to the petitioner cannot be accepted, when the G.O.Ms.37, dated 20.05.2021 itself has specifically stated that it is applicable to the Category 2 to 10 and the life of the said G.O. was still subsisting as on the date of the promotions which being effected from three (3) years i.e., from the year 2021 to 2024 and also



when the promotions were effected on similar situated persons in the year 2022 to 2023.

18. For the aforesaid reasons, this Court holds that once the said concession/relaxation was extended to the other employees in the other Units, on the ground of parity we are unable to accept the contention of the respondents that the relaxation cannot be extended to the petitioner, when the G.O. itself speaks, that it is applicable to the Category 2 to 10 and the petitioner is being at Senior Assistant (Category-7) is certainly entitled for the promotion to the post of Superintendent (category-3).

19. In view of the above reasons cited, this Court is of the considered opinion that denying the promotion to the petitioner for the post of Superintendent (Category-3) on the ground that petitioner is not possessing Graduation Qualification on one hand and effecting promotions to the similar situated employees working in other units who does not possess Graduation Qualification on the other hand is not justifiable and also amounts to violation of principles of natural justice.



20. Accordingly, the official respondents are directed to consider the candidature of the petitioner for promotion to the post of Superintendent (Category-3) by following TJMSS (Amended) Rules by extending the concession/relaxation as per G.O.Ms.No.37, dated 20.05.2021, without disturbing the promotions which was already granted to the other employees. However, if the petitioner is already promoted during the pendency of the writ petitioner, he shall be entitled for all consequential benefits.

21. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Registrar General, High Court for the State of Telangana, Hyderabad.
2. The Registrar (Admn), High Court for the State of Telangana, Hyderabad
3. The Principal Special Judge for CBI Cases, Hyderabad
4. One CC to SRI GARLAPATI JITHENDER REDDY, Advocate [OPUC]
5. One CC to Ms. VEDULA CHITRALEKHA, SC FOR TSHC [OPUC]
6. Two CD Copies

PSK.
TKS



2026:TSHC:9847-DB

HIGH COURT

DATED:26/03/2026

ORDER

WP.No.12161 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑧ NT
8/4/26.