



2026:TSHC:15544
[3219]

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

**TUESDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 20448 OF 2023**

Between:

U. S. Sunil David, S/o. Late U. D. Sukumar.

Petitioner

AND

1. State of Telangana, Represented by its Principal Secretary to Government, Department of Health, Medical and Family Welfare, Secretariat Buildings, Saifabad, Hyderabad
2. State of Telangana, Represented by its Principal Secretary to Government, Department of Revenue, Nampally, Hyderabad
3. District Collector, District Collectorate, Hyderabad Department of Revenue, Nampally, Hyderabad
4. Government Maternity Hospital, Represented by its Superintendent, Sultan Bazaar, Koti, 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 a Writ of Mandamus

(A) Declaring the action of the Respondent No. 4 in issuing the Order dated 08.02.2023 vide Rc. No. /E3/GMH/SB/2023/111 as illegal, arbitrary and violative of my fundamental rights guaranteed to me under Article 14, 16 and 21 of the Constitution of India and quash or set aside the same;

(B) Direct the Respondent No. 4 to appoint the Petitioner to the post of Junior Assistant in the Respondent No. 4 Hospital subject to the condition to acquire Degree qualification as prescribed for the post of Junior Assistant within the time allowed in the Scheme for Compassionate Appointment;

IA NO: 1 OF 2023

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 direct the Respondent No. 4 to forthwith appoint the Petitioner to the post of Junior Assistant in the Respondent No. 4 Hospital with conditions as prescribed under the Scheme of Compassionate Appointment, Pending disposal of WP 20448 of 2023, 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 M/s RAJESHWAR INDANI, Advocate for the Petitioner and GP FOR SERVICES II for the Respondents, the Court made the following

ORDER:

Notice before admission.



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Learned Government Pleader for Services II takes notice on behalf of the respondents No.1 to 4 and waives further notice.

Registry is directed not to take out notice to respondents No.1 to 4 in view of this waiver.

Learned counsel for the petitioner submitted that the petitioner had applied for Compassionate Appointment on account of the death of his mother, who was a Government Servant, on 20.05.2021.

It is submitted that the petitioner possess the Intermediate Qualification and he is pursuing his degree and that the petitioner has been offered the post of Stretcher Bearer in the category of Last Grade Services at Government Maternity Hospital, where the petitioner's mother was working. Thereafter, the petitioner had made a representation seeking appointment to the post of Junior Assistant, but, the same was rejected vide letter dated 08.02.2023, by observing that the petitioner did not possess the required qualification according to G.O.Ms.No.135 GA (Ser.B) Dept., dated 12.05.2014 at the time of scheduled period.

Learned counsel for the petitioner referred to G.O.Ms.No.612, dated 30.10.1991 and G.O.Ms.No.969, dated 27.10.1995, wherein the relaxation or extension of time can be granted to the applicant for acquiring the necessary qualification.

Learned Government Pleader for Services II seeks time to get instructions with regard to the vacancy position of the Junior Assistant.

Learned Government Pleader for Services II is also directed to get instructions as to whether the respondent has referred the matter to the Government for granting extension under G.O.Ms.No.612, dated 30.10.1991 and G.O.Ms.No.969, dated 27.10.1995.

List on 08.08.2023 in the Adjourned Motion List.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary to Government, Department of Health, Medical and Family Welfare, Secretariat Buildings, Saifabad, State of Telangana, Hyderabad



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2. The Principal Secretary to Government, Department of Revenue, Nampally, State of Telangana, Hyderabad
 3. The District Collector, District Collectorate, Hyderabad Department of Revenue, Nampally, Hyderabad
 4. The Superintendent, Government Maternity Hospital, Sultan Bazaar, Koti, Hyderabad. (1 to 4 by RPAD)
 5. One CC to M/s RAJESHWAR INDANI, Advocate [OPUC]
 6. Two CCs to GP FOR SERVICES II, High Court at Hyderabad. [OUT]
 7. One spare copy
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HIGH COURT

PMD,J

DATED:01/08/2023

LIST ON 08.08.2023 IN THE ADJOURNED MOTION LIST

ORDER



WP.No.20448 of 2023

DIRECTION