

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

MONDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 28994 OF 2023

Between:

Dharavath Jyothi, W/o. Sida Naik Aged about 33 years, Occ. Junior Assistant (Data Entry Operator DEO), R/o.H.No.13-70/2, Khankhan pet, Kalluru Village and Mandal, Khammam District, T.S. - 507209

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Social Welfare, Govt. Telangana, Secretariat Building, Hyderabad, T. S
2. The Secretary, Telangana Social Welfare Residential Education Institutions Society (TSWREIS), Daniodaram Sanjeevaiah Bhavan, Masab Tank, Hyderabad, T.S.
3. The Commissioner of Police, Police Commissionerate Office, Khammam, Telangana - 507003
4. The District Collector, Khammam District, T.S.
5. Regional Coordinator, TSWREIS, Khammam District, T.S.
6. SSV Creations, Rep By its Manager, 2-10-386, Jyothinagar, Khammam (Town), Khammam District
7. The Principal, TSWRS/JC (G), Kusumanchi, Khammam District

...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, Direction or an Order more particularly one in the nature of Writ of Mandamus The petitioner herein prays that this Hon'ble Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of respondents is issuing the termination proceedings vide C. No.162/C1- CCRB/KMM/2023 dated 19-09-2023

issued by the respondent No.3 by terminating the petitioner from her services basing on mere registering the FIR No.121/2023, dated 10-09-2023 on the file of police station, Kalluru Khammam District as illegal and unjust and against the principles of natural justice and consequently direct the respondents to re-appoint the petitioner in her post by setting aside the termination proceedings of the outsourcing agency, in the interest of justice and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case in the interest of Justice.

(As per Court Order dated 11-08-2025 vide I.A.No.1 of 2024 in W.P.No.28994 of 2023, Prayer is amended)

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 respondents to re-appoint the petitioner in her post by setting aside the termination proceedings of the outsourcing agency, in the interest of justice.

Counsel for the Petitioner : SRI DR. KADIRI KRISHNAIAH

Counsel for the Respondents No.1,2,4&5 : AGP FOR SOCIAL WELFARE

Counsel for the Respondents No.3 : AGP FOR HOME

Counsel for the Respondents No.6 : --

**Counsel for the Respondents No.7 : SRI BHANOTHU HUSSAIN,
SC FOR TSWRS/JC**

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.28994 OF 2023

ORDER:

Heard Dr. Kadiri Krishnaiah, learned counsel appearing on behalf of the petitioner, learned Assistant Government Pleader for Social Welfare, appearing on behalf of the respondent No.1,2,4,5 and 6, learned Assistant Government Pleader for Home appearing on behalf of the respondent No.3 and Sri Bhanothu Hussain, learned Standing Counsel appearing on behalf of the respondent No.7.

2. As per the orders of this Court dated 11.08.2025 vide I.A.No.1 of 2024 in W.P.No.28994 of 2023, the prayer is amended as follows:

"...to issue appropriate writ or order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of respondents is issuing the termination proceedings vide C.No.162/C1-CCRB/KMM/2023 dated 19-09-2023 issued by the respondent No.3 by terminating the petitioner from her services basing on mere registering the FIR No.121/2023, dated 10-09-2023 on the file of police station, Kalluru, Khammam District as illegal and unjust

and against the principles of natural justice and consequently direct the respondents to re-appoint the petitioner in her post by setting aside the termination proceedings of the outsourcing agency, in the interest of justice and to pass....."

3. The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the present writ petition is as under:

The petitioner was appointed as Record Assistant in APSWRS/J.C.(G) Kalluru, Khammam District, Telangana State dated 14.09.2012. When the petitioner was working in the office of TSWREIS, Khammam District a case in Crime No.121 of 2023, dated 10.09.2023 on the file of Police Station, Khammam District had been registered against the petitioner basing on a false complaint. The respondent No.3 with *mala fide* intention issued the termination proceedings *vide* C.No.162/C1-CCRB/KMM/2023 dated 19.09.2023 against the petitioner herein. Aggrieved by the same, the petitioner had filed the present writ petition.

4. PERUSED THE RECORD:

(A) Appointment order of the petitioner issued by the Convener/Principal for District Social Welfare Residential Educational Institutions Society, Khammam addressed to the Principal, APSWRS/JC.(G), Kalluru dated 14.09.2012 is extracted hereunder:

**DISTRICT SOCIAL WELFARE RESIDENTIAL
EDUCATIONAL INSTITUTIONS SOCIETY KHAMMAM.**

Rc.No. AI/Con/38/2012

Dt: 14-09-2012

From
Smt. Ch. Aruna Kumari,
Convener/Principal
DRBRACSWR Jr college(G)
Khammam District.

To
The Principal,
APSWRS/JC(G)
Kallur.

Sir,

Sub: DSWREIS-Khammam-Filling up of the Record Assts through Out-sourcing Smt. D.Jyohti -Regarding.

Ref: Note orders of the Joint Collector Khammam Dt: 23-7-2012

I invite kind attention to the reference cited, wherein the Joint Collector Khammam has permitted the Principal to engage the services of Smt. D.Jyothi D/o Bhaskar Rao, Pakabanda Bazar Khammam in the vacant post of Rec. Asst.

Further the Principal is directed to pay the remuneration to the individual from the date of her joining the duty until finalization of the Outsourcing agency. After finalization of the Out-sourcing agency the EPF, ESI and other emoluments to be paid to the agency only.

Yours faithfully,

Convener/Principal
DSWREIS
Khammam.

(B) The impugned proceedings vide C.No. 162/CI/CCRB/KMM/2023, dated 19.09.2023 issued by the Respondent No.3 Commissioner of Police, Khammam addressed to the District Collector, Khammam.

GOVERNMENT OF TELANGANA POLICE DEPARTMENT

From

Vishnu S Warriar IPS
Commissioner of Police
Khammam.

To

The District Collector
Khammam.

C No. 162/C1/CCRB/KMM/2023, dt 19.09.2023

Sub: Police Department - Khammam Commissionerate Request to take necessary action against Smt Dharavath Jyothi W/o. Saidanaik who is working as data entry operator at TSWRS/JC (Girls), Kusumanchi situated at SBIT College Maddulapalli Village of Khammam Rural Mandal for her involvement in criminal case - submission of - regarding.

Ref: Case in Cr No. 121/2023 U.sec 384 r/w 34 IPC of PS Kalluru.

With reference to the above subject cited it is to inform that Sri Puchakayala Venkata Sathyanarayana Reddy R/o. Kappalabandham Village of Kalluru Mandal submitted a complaint to the SHO Kalluru stating that Smt. Dharavath Jyothi W/o. Saidanaik who is working as Data Entry Operator at TSWRS/JC (Girls) Kusumanchi situated at SBIT College, Maddulapalli Village of Khammam Rural Mandal and her husband Dharavath Saida Naik demanded him to pay Rs. 250000/- to be compromised in SC/ST cases filed by them against him and also he had to withdraw the cheque bounces cases which were filed by him against them. In this regard there is a mutual oral agreement between them. But said Dharavath jyothi and her husband Saidanaik changed their words, extorted Rs. 25000/- from him by threatening as they would file more SC/ST cases against him at Delhi level and also demanded for an additional amount of Rs. 2,25,000/- compared to previous oral agreement.

Basing on the petition of the complaint Sri Puchakayala Venkata Sathyanarayan Reddy R/o. Kappalabandham Village of Kalluru Mandal a case was registered in Crime No. 121/2023 U/Sec 384 r/w 34 IPC against Smt Dharavath Jyothi W/o. Saidanaik who is working as Data Entry Operator at TSWRC/JC (Girls) Kusumanchi, situated at SBIT Maddulapalli and her husband Dharavath Saida Naik at Kalluru police station on 10.09.2023. This case is under investigation.

Therefore it is requested to take necessary action against Smt Dharavath Jyothi W/o. Saidanaik who is working as Data Entry Operator at TSWRS / JC (Girls) Kusumanchi situated at SBIT College Maddulapalli Village of Khammam Rural Mandal for her involvement in the above criminal case.

Yours Faithfully

Commissioner of Police
Khammam

(C) The consequential proceedings dated 04.10.2023
issued by the respondent No.6 to the Principal,
TSWRS/JC(G) Kusumanchi, Khammam District.

From

SSV Creations,
Out Sourcing Agency,
Khammam.

To

The Principal,
TSWRS/JC(G) Kusmanchi
Khammam District.

Respected Madam,

Sub: SSV Creations Termination of Services of Smt.D.Jyothi-D.E.O Data Entry operator)-TSWRS/JCG) Kusmanchi, Khammam District under out sourcing-Reg.

Ref: First Information Report (FIR)t of the Police station Kalluru-121/2023, Dated: 10.09.2023

Advertising to the subject and reference cited above Smt.D.Jyothi W/o Saidanaik DEO (Data Entry Operator) working at TSWRS/ JC(G) Kusmanchi, Khammam District that a FIR (First Information Report) have being registered upon the individual, Vide considering the FIR No.121/2023 Dated: 10.09.2023 registered at Police station of Kallur, Khammam District, Telangana. The Individual is hereby terminated from the services of outsourcing SSV Creations who working in TSWRS/ JC(G) Kusmanchi, Khammam District located at SBIT College, Maddulapalli Village of Khammam Rural Mandal, Khammam District.

Therefore, it is requested to take necessary action against Smt.D.Jyothi-DEO TSWRS/JC(G) Kusmanchi, Khammam District and submitting for your information.

Yours faithfully,

Sd/-xxx

Encl:
Xerox Copy of FIR

SSV Creations,
Outsourcing agency.

To
The Regional Coordinator, TSWREIS, Khammam District.
The District Collector & Magistrate, Khammam
For Information.

**(D) Counter affidavit filed on behalf of the
respondent No.3 in particular para Nos.3, 4 and 5 are
extracted hereunder:**

"3. It is respectfully submitted that as per the records, the factual aspects are that one Mr.VenkataSatyanarayana Reddy Puchakayala, son of Pratap Reddy, resident of Khammam has approached the police of Kalloor Police Station and lodged a complaint with it on 10.09.2023 against Smt. Dharavath Jyothi (Petitioner herein) and her husband Mr.Dharavath Saida Naik.

4. Basing on the contents of the above complaint, a case in Cr.No.121/2023 U/Secs. 384 r/w 34 IPC dated 10.09.2023 was registered on the file of Kalloor Police Station, Khammam Rural District and taken up the investigation into the case. The petitioner herein and her husband are shown as A1 and A2 in the FIR.

5. It is humbly submitted that the writ petitioner made this respondent party though he is not proper and necessary for the adjudication of the 'lis' in the present writ petition. Therefore, the Hon'ble Court may be pleased to dismiss the writ petition insofar as this respondent is concerned."

DISCUSSION AND CONCLUSION:

5. The learned counsel appearing on behalf of the petitioner submits that the petitioner had been appointed as Record Assistant in APSWRS/J.C(G), Kalluru, Khammam District, Telangana State, vide R.C.No.A1/Con/38/2012, dated 14.09.2012 (referred to and extracted above), and the petitioner joined the duty vide R.C. No.A1/C1/38/2012 duly reporting to the Principal of APSWRS/Junior College, Kollur, Khammam District, through outsourcing agency. The petitioner had been rendering services as Record Assistant in Junior College of Social Welfare Department and the said appointment of the petitioner was taken up by the Collector, Khammam District by issuing the notification for the vacant posts in the social welfare department of Khammam District. Thereby, the petitioner had been working as Record Assistant without a single remark and discharging petitioner's duties sincerely since September 2012.

6. It is further the specific case of the petitioner that the petitioner was appointed as Junior Assistant cum Typist (JACT) in

APSWRS/JC Kalluru(G), vide Rc.No.VSC/09/2014, dated 14-03-2014 through outsourcing in Government Departments and thereafter, the petitioner joined the said duties and had been rendering services from the year 2014 to 04.10.2023.

7. It is further the case of the petitioner that the petitioner was transferred to Kusumanchi Junior College (G) of RSWS, Khammam District on 20.05.2019. The petitioner received a letter dated 04.10.2023. The learned counsel appearing on behalf of the petitioner submits that through letter dated 04.10.2023 the petitioner was directed not to attend to the duties. A criminal case filed against the petitioner *vide* FIR No.121/2023, dated 10.09.2023 was registered against the petitioner at Police Station of Kalluru and the above said letter was issued to the petitioner by the respondent No.6 herein, as per the specific instructions issued by the Commissioner of Police, Khammam *vide* C.No.162/C1/CCRB/KMM/2023, dated 19.09.2023.

8. The learned counsel appearing on behalf of the petitioner submits that in fact the petitioner got registered a case in FIR No. 125 of 2022 dated 20.05.2022 Under Sections 354D, 294(b),

506, 509 r/w 34 IPC, 3(1)(r)(s) SC/ST (POA) Act against one Venkata Satyanarayana Reddy Putchakayala.

9. It is the specific case of the petitioner that in the said complaint the petitioner had complained on 20.05.2022 that the accused was stalking, using abusive words against the petitioner and had threatened the petitioner with dire consequences to kill the petitioner if the petitioner refuses the sexual proposal put forth by the accused thereunder i.e one Venkata Satyanarayana Reddy Putchakayala.

10. The learned counsel appearing on behalf of the petitioner submits that as a counter blast to the FIR registered by the petitioner against the said Venkata Satyanarayana Reddy Putchakayala, the said Venkata Satyanarayana Reddy Putchakayala got registered an FIR against the petitioner on 10.09.2023 with frivolous allegations against the petitioner vide FIR No.121/2023 Under Sections 384 r/w 34 IPC. In view of the registration of the said FIR, the Commissioner of Police, Khammam addressed a letter *vide* impugned letter vide C.No.162/CI-CCRB/KMM/2023, dated 19.09.2023 to the District Collector, Khammam stating that the said case is under

investigation and further requested the District Collector, Khammam to take necessary action against the petitioner herein who is working as Data Entry Operator at TSWRC/JC (GIRLS) Kusumanchi situated at SBIT College Maddulapalli Village of Khammam Rural Mandal for petitioners involvement in the said criminal case and basing on the said letter impugned letter C.No. 162/C1-CCRB/KMM/2023, dated 19.09.2023, the consequential letter dated 04.10.2023 had been issued by the SSP Creations, Outsourcing Agency, Khammam District to the Principal, TSWRS/JC (G), Khammam District with a request to take necessary action against the petitioner.

11. The learned counsel appearing on behalf of the petitioner contends that mere registration of FIR No.121 of 2023 dated 10.09.2023 on the file of Police Station, Kalluru, Khammam District against the petitioner, which in fact is a counterblast case registered against the petitioner out of vengeance by the said Venkata Satyanarayana Reddy Putchakayala against whom the petitioner got registered an FIR vide FIR No.25/2022 dated 20.05.2022 on the file of Kalluru, Police Station, Khammam District and the same cannot be the basis for terminating the services of the petitioner, who had been working sincerely with

the respondent Nos.2, 5 and 7 herein since the year 2012 onwards.

12. The learned counsel appearing on behalf of the petitioner submits that the Commissioner of Police, Khammam District addressed a letter to the District Collector, *vide* C.No.162/C1-CCRB/ KMM/2023, Khammam dated 19.09.2023 to take necessary action against the petitioner merely on the ground that the petitioner was involved in the said criminal case which had been registered against the petitioner *vide* FIR No.121 of 2023 dated 10.09.2023 on the file of Kalluru Police Station, Khammam District and therefore, the learned counsel appearing on behalf of the petitioner contended that the petitioner is entitled for the relief as prayed for, in the present writ petition.

13. The learned Assistant Government Pleader placing reliance on the averments made in the counter affidavit filed on behalf of the respondent No.3 in paragraph Nos.3, 4 and 5 (referred to and extracted above), contends that the petitioner and her husband are shown as A1 and A2 in Crime No.121 of 2023 registered against the petitioner and her husband Under Section 384 r/w 34 IPC dated 10.09.2023 on the file of Kalloor Police

Station, Khammam District and further that the Commissioner of Police, Khammam had been unnecessarily impleaded in the present writ petition and therefore, the writ petition needs to be dismissed, since there is no illegality in the issuance of the impugned termination proceedings dated 19.09.2023 by the 3rd respondent.

14. A bare perusal of the record clearly indicates that admittedly as borne on record *vide* Rc.No.A3/Con/38/2012 dated 14.09.2012 (referred to and extracted above), the Convener/ Principal, DRBRACSWR Jr.College (G). Khammam had appointed the petitioner as Record Assistant through outsourcing and the petitioner had been discharging the said duties since September, 2012.

15. A bare perusal of the letter of the appointment *vide* Rc No. VSC/09/2014, dated 14.05.2014 indicates that the petitioner had been appointed as Junior Assistant Cum Typist through Outsourcing basis in the government departments.

16. A bare perusal of the record further indicates that the order of appointment in favour of the petitioner initially was as Record Assistant on 14.09.2012 and subsequently as Junior

Assistant Cum Typist and the same had been issued by APSWRS/JC, Kalluru(G), Khammam District, Telangana State.

17. A bare perusal of the contents of the impugned letter dated 19.09.2023, issued by the Commissioner of Police, Khammam District to the District Collector, Khammam clearly indicates that the commissioner of Police had requested the District collector to take necessary action against the petitioner who is working as Data Entry Operator at TSWRS/JC (Girls) Kusumanchi situated at SBIT College Maddulapalli Village of Khammam Rural Mandal for the petitioners' involvement in Crime No.121/2023, Dated 10.09.2023 registered against the petitioner under section 384 r/w 34 IPC by the complainant one Sri Putchakayala Venkata Satya Naryana Reddy resident of Kappalabandham Village of Kalluru Mandal.

18. A bare perusal of the record also indicates that on 20.05.2022 itself the petitioner got registered the FIR against the said Sri Putchakayala Venkata Satyanarayana Reddy Resident of Kappalabandham Village of Kalluru Mandal dated 20.05.2022 vide FIR No.125/2022 Under section 354D,294 (b), 506, 509 r/w 34 IPC, 3(1)(r) (s) SC ST POA Act, 1989.

19. A bare perusal of the complaint thereunder indicates that it was the case of the atrocities against petitioner herein pertaining to stalking, using abusive words and threatening with dire consequences to kill the petitioner if the petitioner refused the sexual proposal put forth by the said accused one Putchakayala Venkata Satya Narayana Reddy who is arrayed as accused No.1 in the said crime.

20. This Court opines that mere registration of the FIR against the petitioner cannot be a ground for issuing any orders of termination/removal under criminal law accused is not guilty unless proven guilty and in the present case admittedly the record indicates that the petitioner got registered FIR against the said Sri Putchakayala Venkata Satyanarayana Reddy vide FIR No. 125/2022 dated 20.05.2022 and the FIR registered against the petitioner is much later after more than a period of one year dated 10.09.2023 vide FIR No.121/2023 registered by Sri Putchakayala Venkata Satya narayanareddy against the petitioner herein.

21. This Court opines that the Commissioner of Police, Khammam issuing a letter vide C.No.162/CI-CC RB/KMM/2023,

dated 19.09.2023 addressed to the District Collector, Khammam acted in haste in requesting the District Collector, Khammam to take necessary action against the petitioner herein even without conducting any enquiry on the subject issue unilaterally without application of mind.

22. The Apex Court in judgment reported in 2013 (15) SCC page 570 in "Sumit Mehta v State of NCT of Delhi" at paragraph 13 observed as under:

13. "The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

23. This Court opines that the action of the respondent No.3 in issuing the impugned vide C.No.162/C1-CCRB/KMM/2023 letter dated 19.09.2023 to the District Collector, Khammam without conducting any enquiry into the subject issue is not only a hasty decision of the respondent No.3 herein, but, it is also in total ignorance of the fact as borne on record that the said complaint registered against the petitioner is a counter blast case, registered out of vengeance against the petitioner herein, in view of the fact, as borne on record that the petitioner got registered

an FIR on 20.05.2022 itself against the said Putchakayala Venkata satya Narayana reddy *vide* FIR No.125/2022.

24. This Court opines that the 3rd respondent is bound to reconsider the decision made *vide* the impugned proceedings dated 19.09.2023, in the light of the discussion and conclusion as arrived at paras 5 to 23 of the present order.

25. **TAKING INTO CONSIDERATION:**

(a) The aforesaid facts and circumstances of the case,

(b) The submissions made by the learned counsel appearing on behalf of the petitioner and the learned Assistant Government Pleader appearing on behalf of the respondent No.3,

© The order of appointment dated 14.09.2012 issued in favour of the petitioner,

(d) The order of appointment dated 14.05.2014,

(e) The contents of the impugned letter dated 19.09.2023 issued by respondent No.3 to the respondent No.4 issued C.No.162/C1/CCRB/ KMM/ 2023 dated 19.09.2023,

(f) The contents of the subsequent letter vide Sl.No.1001 dated 04.10.2023 of the SSV Creations, Outsourcing Agency, Khammam addressed the letter to the Principal, TSWRS/JC(Girls) Kusumanchi, Khammam District.

The writ petition is allowed. The 3rd respondent is directed to reconsider the impugned decision made *vide* C.No.162/C1-CCRB/KMM/2023, dated 19.09.2023 terminating the petitioner from her services unilaterally without conducting any enquiry mainly on the ground of registration of the FIR No.121/2023 dated 10.09.2023 on the file of Police Station, Kalluru, Khammam District and further consider the request of the petitioner for reappointment to the post of Record Assistant in accordance to law, within a period of two (2) weeks from the date of receipt of a copy of this order, in the interest of the justice and pass appropriate orders on the said request's of the petitioner, who is on the verge of retirement and duly communicate the decision to the petitioner. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

Sd/-P.PONNA KRISHNA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Department of Social Welfare, Govt. Telangana, Secretariat, Telangana State, Hyderabad, T. S
2. The Secretary, Telangana Social Welfare Residential Education Institutions Society (TSWREIS), Daniodaram Sanjeevaiah Bhavar, Masab Tank, Hyderabad, T.S.
3. The Commissioner of Police, , Police Commissionerate Office, Khammam, Telangana - 507003
4. The District Collector, Khammam District, T.S.
5. The Regional Coordinator, TSWREIS, Khammam District, T.S.
6. The Principal, TSWRS/JC (G), Kusumanchi, Khammam District
7. One CC to SRI DR.KADIRI KRISHNAIAH, Advocate. [OPUC]
8. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to SRI BHANOTHU HUSSAIN, SC for TSWRS/JC (G). [OPUC]
11. Two CD Copies.

BSK

PMK



HIGH COURT

DATED:18/08/2025

ORDER

WP.No.28994 of 2023



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(15) MT
28/11/25