

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

MONDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT PETITION NO: 27393 OF 2018

Between:

1. Dr. A.L.N.Prasad, S/o.A.Krishna Murthy, Aged about 53 years, Occu. Associate professor Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/o.Flat No.403, Sri Nilaya Enclave, Ameeerpet, Hyderabad.
2. Smt. A.S. Padmavathamma, W/o K. Srinivasan, aged 56, occu. Professor, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/o Flat no. 1B 2-2-647/77/G 24 and 23 AR Elegance SBI officers colony, Baghamberpet, Hyderabad-500013
3. Dr. Y.P. Venkata Subbaiah, S/o. Y.C.Rama Subbanna, Hindu, aged about 50years, Occu.Associate professor , Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/o Flat no.106, H.No.11-13-1366, Sree Venkatadrinivas, Road no.3, Margadarsi Colony, R K Puram, Hyderabad-500035.
4. Dr.T.Suseela, D/o T.Krishna Murthy,Hindu, aged about 53 years , Occu.Associate professor, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/o Annapurna Heights, Flat no. D1, R.K.Nagar, Attapur, Hyderabad-48
5. Smt.M.Subhadra, W/o.P.Srinivasa Rao, Hindu, Aged about 45 years, Occu. Senior Assistant, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/o.D.No.5-4-109/2, Padmavathi Colony, Premavatipet,
6. Dr.S.S.Vijaya Padma, D/O Suryanarayana, aged about. 48 years, Occu. Associate Professor, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad,R/O D.No. G-9, A-Block, P.L.N.R.Apartments, Nayudu Colony, Pillar No. 182, Rajendra Nagar, Hyderabad.
7. Dr.K.Dhanumjaya Rao, S/o K.Sundara Rao, aged about.49 years, Occ. Professor, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad, R/O 301, Soumya Homes, Hyderguda, Attapur, Hyderabad

...PETITIONERS

AND

1. Union of India, Represented by its Secretary, Ministry of Law and Home Affairs, New Delhi.
2. Union of India, Represented by its Secretary, Ministry of Personnel Pensions Department of Personal and Training III Floor Lok Nayak Bhavan Khan Market New Delhi New Delhi.
3. A.P. Reorganization Advisory Committee, Represented by its Chairman,
4. The State Reorganization Department, Represented by its Member Secretary, Secretary SR of Andhra Pradesh, Secretariat, Hyderabad.
5. The State of Andhra Pradesh, Represented by its Chief Secretary, Velgapudi, A.P
6. The State of Telangana, Telangana Secretariat, Rep by chief Secretary Hyderabad.
7. Dr.Y.S.R. Horticulture University, Represented by its Registrar, Venkatarammannagudem, Tadepalligudem, West Godavari, A.P.
8. Sri Konda Laxman Telangana State Horticulture University, Represented by its Registrar, Rajendra Nagar, Hyderabad.
9. Dean of Horticulture, Sri Konda Laxman Telangana State Horticulture University Rajendra Nagar, Hyderabad
10. The Registrar/Additional Charge of H.O.D, Floriculture Research Station, Sri Konda Laxman Telangana State Horticulture University Rajendra Nagar, Hyderabad
11. The Controller of Examinations/Associate Dean Incharge, Sri Konda Laxman Telangana State Horticulture University Mojerla, Mahabubnagar (D).

...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 Mandamus declaring the proceedings of the 8th Respondent vide proceedings No. 116/Registrar/SKLTSHU/2105 dated 26.7.2018 of the 8th Respondent as illegal, contrary to Law and against the principles of natural justice, violative of Article 14 of the Constitution of India and the decisions of the Honourable Court and to set aside the same and consequently direct the Respondents to allow the Petitioners to continue in their present posts with all the service benefits.

IA NO: 1 OF 2019

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 permit the Respondent No. 8 to file the Additional affidavit along for proper adjudication of the matter.

IA NO: 2 OF 2018

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.8 to pay salary, arrears of salary and other benefits like increments to the petitioner from 26.07.2018 to till date and continue to pay salary every month to the petitioner in the above WP.No. 23793/2018.

IA NO: 1 OF 2021

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 pass orders directing the respondents to Pay salary, enhanced dearness allowance, annual grade increments, casual leaves, medical leaves, earned leaves and encashment of ELs along with arrears pending if any etc.

IA NO: 1 OF 2018

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 proceedings of the 8th Respondent vide proceedings No.116/Registrar/SKLTSHU/2105 dated 26.7.2018 and further to direct the respondents to Pay salary, enhanced dearness allowances, annual grade increments, casual leaves, medical leaves, earned leaves and encashment of earned leaves along with arrears pending if any etc, forthwith.

Counsel for the Petitioner Nos.1&3 : SRI M.P.K.ADITYA

Counsel for the Petitioner Nos.2,4to7 : SRI T.C.D.SEKHAR

**Counsel for the Respondent No.1&2 : SRI K.V.RAMA RAO, rep.,
SRI N.BHUVANGA RAO, DY.SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondents No.3to5 : SRI B.RAJESHWAR REDDY,
GP FOR THE STATE OF AP**

Counsel for the Petitioner Nos.6 : GP FOR GENERAL ADMINISTRATION

Counsel for the Petitioner Nos.7 : --

**Counsel for the Petitioner Nos.8to11 : SRI G.VIDYASAGAR, Sr.Counsel
rep., SMT.K.UDAYA SRI, SC FOR UNIVERSITY**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA
WRIT PETITION NO.27393 OF 2018**

ORDER: *(per Hon'ble Sri Justice Narsing Rao Nandikonda)*

This Writ Petition is filed under Article 227 of the Constitution of India, praying this Court to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings No.116/Registrar/SKLTSHU/2105 dated 26.07.2018, issued by respondent No.8 as illegal, arbitrary, contrary to law and against the principles of natural justice, violation of Article 14 of the Constitution of India, and consequently to set aside the same and direct the respondents to allow the petitioners to continue in their present posts with all service benefits and to pass such other orders as they deem fit.

2. Heard **Sri M.P.K.Aditya**, learned counsel appearing for petitioner Nos.1 and 3, **Sri B.Rajeshwar Reddy**, learned Government Pleader for State of Andhra Pradesh in Telangana High Court, Hyderabad, appearing for respondent Nos.3, 4 and 5, **Sri G.Vidyasagar**, learned

Senior Counsel representing Smt.K.Udaya Sri, learned Standing Counsel appearing for respondent No.8.

3. The brief facts of the case are that the 1st petitioner herein was appointed as Assistant Professor on 19.11.1998 and he has been continuing as Associate Professor in respondent No.8-University and the other petitioners are also similarly placed.

4. While so, it is stated that the Parliament enacted a law, namely the Andhra Pradesh Re-organisation Act, 2014 (for short, 'the Act, 2014'), by which the composite State of Andhra Pradesh was divided into the 'State of Telangana' and the 'State of Andhra Pradesh' with effect from 02.06.2014. Originally, there was only one Horticulture University namely Dr.Y.S.R. Horticultural University, which is located at Tadepalligudem in West Godavari District, which was included in the 10th Schedule appended to the Act, 2014, and the same was notified *vide* Gazette Notification No.294, dated 07.05.2015. The said University was listed at Serial No.17 by way of Notification No.294, dated 07.05.2015. Section 82 of the said Act, 2014 relates

to provision of employees of Public Sector undertakings etc., which reads as follows:

"On and from the appointed day, the employees of State Public Sector Undertaking, Corporation and other autonomous bodies shall continue to function in such undertaking, Corporation or autonomous bodies for a period of one year and during this period the corporate body concerned shall determine the modalities for distributing the personnel between the two successor States."

5. It is further stated that the University was required to undertake the said exercise and allocate the personnel between both the States of Andhra Pradesh and the Telangana in the ratio contemplated under the Act, 2014. The said exercise ought to have been completed within one year i.e., by 01.06.2015. But the same did not happen. The petitioner along with other employees was working at the Horticultural, Medicinal & Aromatic Plants Research Station, Rajendranagar, Hyderabad prior to the commencement of the A.P. State Re-organisation Act and continuing to work there until the impugned orders were passed without conducting any exercise under Section 82 of the Act, 2014. By virtue of the said proceedings, the

respondents are unilaterally allocated the petitioners to the State of Andhra Pradesh, which is contrary to law.

6. The petitioners along with others filed W.P.No.290 of 2016 and W.P.No.39008 of 2015, wherein this Court passed an interim order directing the petitioners, who were relieved pursuant to the impugned order, shall be continued in service of Sri Konda Laxman Telangana State Horticultural University, in the State of Telangana. This Court further held that their salaries and other emoluments shall be borne by the State of Andhra Pradesh and the State of Telangana in the ratio of 58.32:41.68. It was further held that both the Universities were directed to take suitable steps to make payment of salaries and arrears of salaries in the said ratio within four weeks from the date of said order. Further, this Court directed the respondents to complete the said exercise as contemplated under Section 82 of the Act, 2014.

7. However, as the said order has not been complied with by the respondents, Contempt Case No.1772 of 2018 was filed. In the said contempt proceedings, this Court

directed the respondents to complete the exercise within four weeks, and also directed the Vice-Chancellors of the both Universities along with the representatives of the General Administration Department (GAD), to be present before this Court by the next date of hearing.

8. It is further contended that without proper discussion, the Vice-Chancellors of the subject Universities framed certain guidelines termed as "Modalities", and in doing so considered the **'local status of employees'**, provided that they should have continuously studied in a local area for a period of seven years (i.e., four years of study within a period of seven years). It is submitted that this is part of the Presidential Order. However, the Presidential Order is not applicable to the Universities.

9. It is further contended by the petitioners that when options were obtained, the petitioners had opted to continue to work within the State of Telangana on medical grounds, as one of them had undergone kidney transplantation. They submitted all necessary documents and certificates in support of their claim. But despite the

same, the respondents were unilaterally allotted the petitioners to the State of Andhra Pradesh. It is contended that the entire exercise was conducted and the modalities finalized without giving notice to the petitioners, without supplying them copies of the modalities and without passing any reasoned order. They further submitted that the impugned order was passed contrary to the principles of natural justice.

10. It is further contended that the guidelines and modalities were not communicated to the petitioners prior to final allocation and that the rejection of their options without any reasons is arbitrary, illegal, and liable to be set aside. It is also submitted that the Presidential Order cannot be applied to the Universities, and that even the objections raised by the GAD, representative of Dr. Krishna Reddy, OSD, were ignored. The entire exercise is arbitrary and violative of Article 14 of the Constitution of India. The petitioners therefore prayed to declare the proceedings No.116/Registrar/SKLTSHU/2105 dated 26.07.2018, issued by respondent No.8, as illegal, illegagl and contrary to law.

11. Having heard the learned counsel for the petitioners and the respondents, it is to be seen that as per the orders passed in W.P.No.15970 of 2018, dated 11.06.2018, both the Governments i.e., the State of Andhra Pradesh and the State of Telangana were directed to depute their officials along with the Vice-Chancellors of the respective Universities, to finalize the allocation of employees within one month, i.e., by 11.06.2018.

12. The main grievance of the petitioners is that their option to remain in the State of Telangana was not considered in accordance with the agreed modalities and in contravention of the law laid down by the Hon'ble Supreme Court in ***Telangana Judges Association and another v. Union of India and Others [W.P.No.85 of 2015]***.

13. Admittedly, this Court granted interim direction in W.P.No.15970 of 2018, dated 11.06.2018, directing that allocation of employees between the two Universities shall be done in accordance with Sections 18 and 82 of the A.P. Reorganisation Act, 2014. The record shows that both the Vice-Chancellors, along with GAD representatives, met and

framed modalities considering local status, which the petitioners challenge as being unconstitutional and inapplicable to University employees.

14. The petitioners contend that their case falls under personal hardship and medical grounds, as the 1st petitioner, who underwent kidney transplantation on 09.02.2004, requires continuous medical supervision and life-long immunosuppressant treatment. Despite this, their request to be retained in the State of Telangana was rejected, and they were unilaterally relieved and directed to report in the State of Andhra Pradesh. However, initially the Government of Andhra Pradesh refused to admit and issued directions to re-admit such relieved employees in the State of Telangana.

15. Thus, it is evident that the decision of respondent No.8 is not based on modalities. It is not approved by both States. Therefore, the impugned proceedings issued by respondent No.8 are arbitrary and contrary to law. The rejection of the petitioners' option and their allocation to the

State of Andhra Pradesh is not in consonance with the guidelines framed under Section 82 of the Act, 2014.

16. Accordingly, the impugned proceedings in No.11/Registrar/SKLTSHU/2105 dated 26.07.2018 issued by respondent No.8 are set aside. The petitioners shall continue in their present service under respondent No.8 University in the State of Telangana with all service benefits. There shall be no order as to costs.

17. With the above observations, the Writ Petition is partly allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

That Rule Nisi has been made absolute as above.
Witness THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL, on this
MONDAY, THE NINTH DAY OF JUNE TWO THOUSAND AND TWENTY FIVE

Sd/-P.PONNA KRISHNA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary, Ministry of Law and Home Affairs, Union of India, New Delhi.
2. The Secretary, Union of India, Ministry of Personnel Pensions Department of Personal and Training III Floor Lok Nayak Bhavan Khan Market New Delhi New Delhi.
3. The Chairman, A.P. Reorganization Advisory Committee
4. The Member Secretary, State Reorganization Department, Secretary SR of Andhra Pradesh, Secretariat, Hyderabad.
5. The Chief Secretary, State of Andhra Pradesh, Velgapudi, A.P
6. The chief Secretary State of Telangana, Telangana Secretariat, Hyderabad.

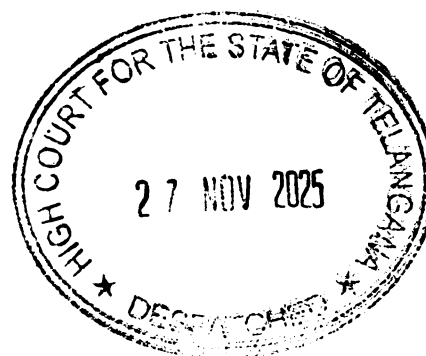
7. The Registrar, Dr.Y.S.R. Horticulture University, Venkatarammannagudem, Tadepalligudem, West Godavari, A.P.
8. The Registrar, Sri Konda Laxman Telangana State Horticulture University, Rajendra Nagar, Hyderabad.
9. The Dean of Horticulture, Sri Konda Laxman Telangana State Horticulture University Rajendra Nagar, Hyderabad
10. The Registrar/Additional Charge of H.O.D, Floriculture Research Station, Sri Konda Laxman Telangana State Horticulture University Rajendra Nagar, Hyderabad
11. The Controller of Examinations/Associate Dean Incharge, Sri Konda Laxman Telangana State Horticulture University Mojerla, Mahabubnagar (D).
12. One CC to SRI T.C.D.SEKHAR, Advocate. [OPUC]
13. One CC to SRI M.P.K.ADITYA, Advocate. [OPUC]
14. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
15. Two CCs to GP FOR THE STATE OF AP, High Court for the State of Telangana at Hyderabad. [OUT]
16. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
17. One CC to SMT.K.UDAYA SRI, SC for Sri Konda Laxman Telangana State Horticulture University Rajendra Nagar, Hyderabad. [OPUC]
18. Two CD Copies.

BSK



HIGH COURT

DATED:09/06/2025



ORDER

WP.No.27393 of 2018

**PARTLY ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(23) MT
26/11/25