

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1192 OF 2025

Between:

Dr.K.Ravi Sekhar Rao, S/o. late K.Subramanyam

Appellant

AND

1. The State of Telangana, Rep., by its principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Saifabad, Hyderabad
 2. The Director of Medical Education, Government of Telangana, Koti, Hyderabad
 3. The Principal, Gandhi Medical College/ Gandhi Hospital,, Secunderabad
 4. The Principal, GMH, Hanumakonda
 5. The Principal, , MGM/KMC, Warangal
 6. Dr.A.Subodh Kumar, S/o.late A.Sriramulu, Occ. Professor of Plastic Surgeon, Gandhi Medical College, Secunderabad
 7. Dr.K.Nagarjuna, S/o. late K.Ranga Rao, Occ.Professor of Paediatric Surgery, Gandhi Medical College, Secunderabad
 8. Dr.Ratnam Andallu, W/o.Dr.M.Vijaya Kumar, Occ.Professor of OBGY, Government Maternity Hospital, Hanumakonda
 9. Dr.A.Aparna, W/o.Dr.K.Ramesh Kumar, Occ.Professor and HOD Paediatrics, MGM Hospital/KMC, Hanumakonda, Warangal
 10. Dr.Ch.Madhu Babu, S/o.Ch.Satyanarayana Raju, Occ.Professor of STD/DVL, MGM Hospital/KMC, Hanumakonda, Warangal
- (Respondents 4 to 10 are not necessary to this Appeal)

Respondents

Writ appeal under Clause 15 of the Letter Patent Act, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the Order dt. 26-09-2025 in W.P.No.20111/2025 to the extent it upholds the promotion of the Appellant herein (Writ Petitioner No.3) and declare that the Appellant is entitled to forego his promotion under Rule 11(b) of the Telangana State and Subordinate Service Rules, 1996 and quash the impugned G.O.Rt.No.298 dt. 07-2025 insofar as it relates to the Appellant and direct the Respondents to retain and continue the appellant in the place in which he is working.

IA NO: 2 OF 2025:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to

suspend the operation of the impugned judgment dt. 26-09-2025 in W.P.No.20111 of 2025, to the extent it upholds the promotion of the Appellant (Writ Petitioner No.3) under G.O.Rt.No.298, Health, Medical & Family Welfare (A) Department, dt. 07-07-2025, and consequently direct the Respondents to retain and continue the Appellant in his present position as Professor of Ophthalmology, Gardhi Medical College, Secunderabad, pending disposal of the WA.No.1192 of 2025, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri L. Ravichander, Senior Counsel representing Sri SRINIVAS BOBBILI, Advocate for the Appellants and Sri Santhapur Satyanarayana Rao, GP FOR SERVICES I for the Respondent Nos.1 to 3, the Court made the following.

ORDER:

Sri L.Ravichander, learned Senior Counsel, representing learned counsel Sri Srinivas Bobbili, appears for the appellant.

Sri Santhapur Satyanarayana Rao, learned Government Pleader for Services-I, appears for respondents No.1 to 5.

Out of the six petitioners in the impugned writ petition i.e., W.P.No.20111 of 2025, the learned writ Court set aside the impugned G.O.Rt.No.298, dated 07.07.2025, as respects petitioners No.2, 4, 5 and 6, but denied the benefit of opting out of promotion to petitioner No.3, who is the appellant herein, and also petitioner No.1 as permissible under Rule 11(b) of the State & Subordinate Service Rules, 1996 (hereinafter referred to as, "the Rules"), on the ground that the respondents therein have proved the element of public interest in respect of the appellant herein and petitioner No.1 as their services were required in the newly established Medical Colleges to get over the inspections of National Medical Commission. The appellant, being aggrieved, has preferred this appeal.

Rule 11(b) of the Rules reads as under:

"11. The time limit for joining either on first selection or on promotion or on appointment by transfer:-

(a) ...

(b) *Time to join a post on appointment/temporary appointment under Rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment:-*A person on appointment/ temporary appointment on adhoc basis under Rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment, shall be allowed a joining time of fifteen (15) days to join the post from the date of receipt of the order of appointment sent to the candidates by Registered Post with Acknowledgement due or by any other means. An employee who does not join the post within the stipulated time or evades to join the post by proceeding on leave, shall lose his promotion right/offer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel

subject to availability of vacancy. In case of nonselection posts, the name of the candidate who does not join within the stipulated time in the promotion posts shall be considered for promotion again after a period of one year from the date of offer of appointment subject to availability of vacancy:

Provided that the employee, who does not join the post within the stipulated time or evades to join the post by proceeding on leave, second time also, shall lose his promotion right/offer permanently."

The appellant was working as Professor and Head of the Department of Ophthalmology in Gandhi Medical College, Secunderabad, and was promoted as Principal, Government Medical College, Mahabubabad.

Learned Senior Counsel for the appellant has taken the plea that the appellant opted out the promotion within fifteen days of the issuance of G.O.Rt.No.298, dated 07.07.2025, as is permissible under the Rules. It is not a case of opting out for the second time. It is further submitted that the rule does not incorporate any such ground of public interest to save the action on the part of the respondent-State. The learned writ Court, therefore, committed an error in refusing to set aside the impugned G.O.Rt.No.298, dated 07.07.2025, as respects the appellant herein. Therefore, the impugned order may be stayed.

The petitioner has been protected by way of interim order passed by the learned writ Court during the proceedings.

Learned Government Pleader for respondent-State has, on being specifically asked, submitted that the Government is contemplating to file an appeal against the impugned order as respects the other writ petitioners also. He has also referred to the decision in the case of State of Uttar Pradesh v. Achal Singh ((2018) 17 SCC 578). It appears that the said decision is in respect of a claim of voluntary retirement by an employee under Rule 56 of the Fundamental Rules. The Apex Court opined that there is no unfettered right for voluntary retirement after serving the notice period.

The present matter, however, relates to promotion where Rule 11(b) of the Rules specifically provides for opting out of such promotion within fifteen days period of issuance of the Government Order.

Learned Government Pleader for respondent-State has also referred to Rule 28 of the Rules, which deals with relinquishment of rights by members. It is submitted that the appointing authority may permit such relinquishment if it is not opposed to public interest. However, it is also submitted that this plea was not taken before the learned writ Court.

Be that as it may, in view of the operation of Rule 11(b) of the Rules, which permits an employee like the appellant to opt out of promotion within the time specified and similarly it has been granted in case of other four writ petitioners promoted to different other posts, subject to final outcome of this

appeal, there shall be interim stay of G.O.Rt.No.298, dated 07.07.2025, as respects the present appellant.

List this case on 27.11.2025.

//TRUE COPY//

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana, Secretariat, Saifabad, Hyderabad
2. The Director of Medical Education, Government of Telangana, Koti, Hyderabad
3. The Principal, Gandhi Medical College/ Gandhi Hospital, Secunderabad (1 to 3 by RPAD)
4. One CC to SRI SRINIVAS BOBBILI Advocate [OPUC] ✓
5. Two CCs to GP FOR SERVICES I, High Court at Hyderabad. [OUT]
6. Two spare copies

HIGH COURT

HCJ & GMMJ

DATED:29/10/2025

List this case on 27.11.2025

ORDER

WA.No.1192 of 2025

DIRECTION

