



HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No:

W.A.No.1192 of 2025

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	29.10.2025	<u>HCJ (AKrS,J) & GMM,J</u> <u>I.A.No.1 of 2025</u> For the reasons stated in the supporting affidavit, this interlocutory application seeking to dispense with filing of the certified copy of the impugned order is allowed. _____ HCJ (AKrS,J) _____ GMM,J <u>W.A.No.1192 of 2025</u> 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,	Transferred to i/o folder, before corrections, if any.



	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.	
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		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) <i>Time to join a post on appointment/temporary appointment under Rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment:-</i>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	
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		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,	
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		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	
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	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	
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		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. HCJ (AKrS,J) GMM,J VS	
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