



2026:TSHC:4079-DB
[3488]

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

**TUESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND**

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1192 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 26/09/2025 in W.P.No.20111 of 2025 on the file of the High Court.

Between:

Dr.K.Ravi Sekhar Rao, S/o. Late K.Subramanyam, Age. 61 years, Occ ; Professor of Ophthalmology, Gandhi Medical College, Secunderabad.

.....APPELLANT/3rd WRIT PETITIONER

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, Age. 56 years, Occ. Professor of Plastic Surgeon, Gandhi Medical College, Secunderabad.
7. Dr.K.Nagarjuna, S/o. late K.Ranga Rao, Age. 57 years, Occ.Professor of Paediatric Surgery, Gandhi Medical College, Secunderabad.
8. Dr.Ratnam Andallu, W/o.Dr.M.Vijaya Kumar, Age. 63 years, Occ.Professor of OBGY, Government Maternity Hospital, Hanumakonda.
9. Dr.A.Aparna, W/o.Dr.K.Ramesh Kumar, Age. 61 years, Occ.Professor and HOD Paediatrics, MGM Hospital/KMC, Hanumakonda, Warangal.
10. Dr.Ch.Madhu Babu, S/o.Ch.Satyanarayana Raju, Age. 60 years, Occ.Professor of STD/DVL, MGM Hospital/KMC, Hanumakonda, Warangal.

(Respondents 4 to 10 are not necessary to this Appeal).



2026:TSHC:4079-DB

.....RESPONDENTS/RESPONDENTS

I.A.NO:2 OF 2025

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 operation of the impugned judgment dt.26/9/2025 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, Gandhi Medical College, Secunderabad, pending disposal of the above writ appeal.

Counsel for Appellant : SRI L.RAVICHANDER FOR SRI SRINIVAS BOBBILI

**Counsel for the Respondent Nos.1 to 5 : SRI S.SATYANARAYANA RAO, AGP
FOR SERVICES –I**

Counsel for the Respondent Nos.6 to 10 : -

The Court made the following ORDER



2026:TSHC:4079-DB

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

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1192 of 2025

DATE: 17.03.2026

Between:

Dr.K.Ravi Shekar Rao

....Appellant

And

The State of Telangana,
represented by its Principal Secretary,
Health, Medical & Family Welfare Department,
Secretariat, Hyderabad and 9 others

....Respondents

JUDGMENT

Heard Sri L.Ravichander, learned Senior Counsel representing Sri Srinivas Bobbili, learned counsel appearing for the appellant and Sri Santhapur Satyanarayana Rao, learned Government Pleader for Services-I appearing for respondent Nos.1 to 5 and perused the record.

2. This writ appeal, preferred under Clause 15 of the Letters Patent, assails the order dated 26.09.2025 passed by the learned Single Judge in W.P.No.20111 of 2025. The appellant (3rd writ petitioner), calls in question the refusal of the learned Single Judge to grant him the relief of foregoing his promotion to the post of Principal, Government Medical College, Mahabubabad, under Rule 11(b) of the

Telangana State and Subordinate Service Rules, 1996 (for short, '1996 Rules').

3. The grievance of the appellant essentially stems from the dismissal of the writ petition as regards him, while similar relief was granted to certain other petitioners in the same writ proceedings.

Factual matrix

4. The appellant is a Professor of Ophthalmology at Gandhi Medical College, Secunderabad. By G.O.Rt.No.298, dated 07.07.2025, issued by the Government of Telangana, the appellant was promoted and posted as Principal, Government Medical College, Mahabubabad.

5. Upon issuance of the said promotion order, the appellant submitted representations expressing his unwillingness to accept the post and sought permission to forego the promotion. In his representations, the appellant stated that he was discharging important academic responsibilities in the Department of Ophthalmology, including supervision of six postgraduate students, and also referred to certain personal circumstances relating to the age and serious health condition of his 86 years old mother. Despite this, the authorities insisted the appellant to join the promoted post.

6. The appellant along with five other professors, who were similarly aggrieved by their respective promotional postings, approached this Court by filing W.P.No.20111 of 2025.



7. The learned Single Judge, by order dated 26.09.2025, partly allowed the aforesaid writ petition. The learned Single Judge set aside the promotions of petitioners 2, 4, 5, and 6, whereas the writ petition was dismissed in respect of petitioner No.1 and petitioner No.3. The learned Single Judge distinguished their cases on the ground that they had been promoted to the posts of Principal, which is a teaching post, and that the State had demonstrated the existence of public interest in posting them to newly established medical colleges to ensure compliance with the norms of the National Medical Commission (NMC).

8. Aggrieved by the said order, the appellant has preferred the present writ appeal.

Submissions on behalf of the appellant

9. Learned Senior Counsel representing the appellant assailed the order dated 26.09.2025 passed by the learned Single Judge and has advanced his submissions as under:

- i) That the learned Single Judge committed an error in treating the post of Principal as a teaching post. Placing reliance on the National Medical Commission (NMC) Regulations, 2023 (for short '2023 Regulations') and the Minimum Standards for Establishment of Medical Colleges, it was submitted that the Principal is the administrative head of the institution and is not counted as part of the teaching faculty for determining the teacher-student ratio.



- ii) That the role of the Principal is supervisory and administrative, distinct from the teaching cadres of Professor, Associate Professor and Assistant Professor.
- iii) That Rule 11(b) of the 1996 Rules expressly permits an employee to forego a promotion by not joining the promoted post within the stipulated period of fifteen days. The consequence of such non-joining, is only the forfeiture of the promotion for the concerned panel year, and the rule does not empower the Government to compel an employee to accept the promotion or to treat the refusal as misconduct.
- iv) That the learned Single Judge erred in invoking the concept of public interest to override the statutory right under Rule 11(b) of the 1996 Rules, as the impugned promotion order G O.Rt.No.298 dated 07.07.2025 does not contain any recital or reason based on public interest for compelling the appellant to accept the promotion.
- v) That the plea of public interest, raised subsequently in the counter affidavit, amounts to an impermissible post-hoc justification, contrary to the principle laid down by the Apex Court in ***Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi and others***¹, wherein it was held that an administrative order must stand or fall on the reasons contained therein.

¹ (1978) SCC 405



- vi) That the impugned order is also assailed as being arbitrary and violative of Article 14 of the Constitution, inasmuch as in the very same writ petition, the learned Single Judge granted relief to petitioners 2, 4, 5 and 6, who were promoted to the post of Superintendent, which is likewise an administrative post. Further, in another connected W.P.No.20489 of 2025, similar relief was granted to a doctor promoted as Superintendent. Thus, the appellant, whose case stands on an identical footing, has been subjected to differential treatment without any rational basis.
- vii) That there exists a consistent administrative practice whereby the State has permitted several doctors to forego promotions. Reference was made to: i) G.O.Rt.No.698 dated 07.12.2021 permitting eleven Professors to forego promotion; ii) orders dated 24.07.2024 permitting thirteen Assistant Professors to do so; and iii) orders dated 05.08.2025 permitting six Associate Professors to forego promotion to the cadre of Professor. Therefore, the option under Rule 11(b) has been consistently recognised in practice, and its denial to the appellant amounts to a selective application of the rules.
- viii) That compelling the appellant to accept the promotion would itself be contrary to public interest, as he is the only Professor supervising six postgraduate students in the Department of Ophthalmology at Gandhi Medical College, Secunderabad, and



his removal would adversely affect postgraduate teaching and compliance with the faculty requirements prescribed by the NMC.

- ix) That the appellant, who is about 61 years of age, is the sole caregiver for his 86-year-old mother suffering from serious ailments. Compelling him to relocate to Mahabubabad would cause grave personal hardship and would be inconsistent with the protections guaranteed under Article 21 of the Constitution.

Submissions on behalf of the Respondents

10. Learned Government Pleader for the Services-I, appearing for respondent Nos.1 to 5 supported the order dated 26.09.2025 passed by the learned Single Judge and has advanced his submissions as under:

- i) That the Government has recently established twenty-five new medical colleges, and the sanctioned strength for the posts of Additional Director of Medical Education (including Principals) is sixty-four, whereas only fifteen posts are presently occupied, leaving a substantial number of vacancies. In order to ensure that these newly established colleges function effectively and comply with the norms of the NMC, the Government promoted forty-four Professors, including the appellant.
- ii) That the appellant's characterization of the post of Principal as purely administrative, whereas the Principal is both the academic and administrative head of the institution,



responsible for supervising teaching programmes and maintaining academic standards.

- iii) That the right under Rule 11(b) of the 1996 Rules cannot be construed as absolute and must yield to the larger public interest. Placing reliance on the observations of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Achal Singh***², it was argued that the State, in discharge of its obligations as a welfare State and in furtherance of the directive contained in Article 47 of the Constitution, is entitled to take administrative decisions necessary for the effective functioning of public institutions.
- iv) That the postings were necessitated by the impending inspections of the NMC, and the absence of a Principal in a newly established medical college would constitute a fundamental deficiency that could jeopardize recognition of the institution. Thus, the posting of the appellant as Principal of the Government Medical College, Mahabubabad, was stated to be a bona fide administrative decision taken to safeguard the institution's recognition.
- v) That the post of Superintendent of a hospital and the post of Principal of a medical college are functionally different. While the former is essentially hospital-administration oriented, the

² (2018) 17 SCC 578



latter is intrinsically connected with the academic leadership of a teaching institution.

vi) Reliance was also placed on the decision of the Hon'ble Supreme Court in **Sk. Nausad Rahaman v. Union of India**³ to contend that an employee does not possess a vested right to insist upon a particular posting and that administrative exigencies must prevail over individual convenience.

vii) That permitting the appellant to forego the promotion would disturb the promotion panel and seniority structure, and may create administrative complications in filling the resultant vacancies.

11. In support of the above submissions, reliance was placed on the in the decisions of **M.A.Khader Mohiuddin v. Honourable High Court, and State of Telangana, Hyderabad and others**⁴ and **Babanna Machched v. Union of India and others**⁵.

12. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

13. Before proceeding to examine the issues involved, it would be appropriate to advert to the impugned order passed by the learned Single Judge, the same is reproduced hereunder:

³ (2022) 12 SCC 1

⁴ 2025 (1) ALD 134 (TS)

⁵ (2024) 5 SCC 306



2) This Court dealt with similar issue in W.P.No.20489 of 2025 and allowed the said writ petition vide order dated 26.09.2025.

3) In view of the above and for the reasons alike in the order dated 26.09.2025 in W.P. No.20489 of 2025, the present Writ Petition is also liable to be allowed in respect of petitioners 2, 4, 5 and 6 alone. However, the case of petitioners 1 and 3 could not be considered by this Court since they were promoted as faculty/ teaching members and the respondents have proved the element of public interest in respect of petitioners 1 and 3 as their services are required in the newly established Medical Colleges to get over the inspections of National Medical Commission.

4) Accordingly, the Writ Petition is allowed in part and the impugned G.O.Rt.No.298, dated 07.07.2025, is hereby set aside in respect of the petitioner Nos.2, 4, 5 and 6 alone.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

On perusal of the above, it indicates that the learned Single Judge allowed the writ petition insofar as petitioners 2, 4, 5 and 6, who were promoted as Superintendents, are concerned, placing reliance on the reasoning adopted in W.P.No.20489 of 2025, wherein the learned Single Judge had granted similar relief to a doctor promoted to the post of Superintendent.

14. The principal issue that arises for consideration is whether the appellant being a Professor in the Medical Education Department who is promoted to a higher administrative post as a Principal, can be compelled to accept such promotion against his will, or whether the statutory framework under Rule 11(b) of the 1996 Rules, permits the appellant to forego the promotion by declining to join the promoted post. While administrative exigencies and considerations of public interest undoubtedly play an important role in matters of service administration, the exercise of such power must necessarily conform



to the governing statutory framework. Administrative action cannot be sustained if it is contrary to the express provisions of the rules or suffers from arbitrariness, for the rule of law requires that executive action remain firmly anchored in legality. It is in this backdrop that the statutory provision in question, namely Rule 11(b) of the 1996 Rules, requires to be examined.

15. Rule 11(b) of the 1996 Rules, is reproduced hereunder:

"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, shall be allowed a joining time of 15 (fifteen) days to join the post from the date of receipt of the order of appointment sent to the candidate 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 non-selection 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."

16. A plain reading of the aforesaid provision indicates that the rule itself contemplates a situation where an employee may not join the promoted post within the stipulated period. Significantly, the rule does not prescribe any disciplinary action as a consequence for such non-joining. The only consequence stipulated is that the employee shall lose the promotion right/offer for the current panel year, and his/her case may thereafter be considered in the next panel year, subject to availability of vacancy.



17. It is pertinent to note that the scheme of the rule, recognizes the possibility that an employee may, for various reasons, choose not to assume the higher post at a particular point of time. By expressly prescribing the consequence of such non-joining, the rule provides a clear statutory right to forego a promotion. In this regard, Rule 11(b) cannot be interpreted in a manner that would render the provision otiose. The rule clearly envisages that if an employee does not join the promoted post within the prescribed time, the consequence is limited to the loss of the promotion for the relevant panel year. The provision does not indicate that the employee can be compelled to accept the promotion notwithstanding such unwillingness.

18. The primary reason assigned by the learned Single Judge for denying relief to the appellant is the characterization of the post of Principal as a “faculty/teaching member.” It is to be noted that, such characterization does not appear to be consistent with the regulatory framework governing medical education. The distinction between a teaching faculty member and the administrative head of a medical institution is well recognised in the scheme of medical education. The Medical Institutions (Qualifications of Faculty) Regulations 2025, clearly delineate between faculty positions and administrative posts, which is reproduced as under:

- 1. Short title and commencement.** — (1) *These regulations may be called the Medical Institutions (Qualifications of Faculty) Regulations, 2025.*
(2) *They shall come into force on the date of their publication in the Official Gazette.*



2. Definitions. — (1) In these regulations, unless the context otherwise requires,

(a) "Act" means the National Medical Commission Act, 2019 (30 of 2019);

(b) "administrative posts" means the posts of Medical Superintendent or Dean or Director or Principal of a medical institution;

(c) "broad specialty" means the specialties in Master of Surgery or Doctor of Medicine or Diploma specified in Table A and Table B of the Schedule;

(d) "Commission" means the National Medical Commission;

(e) "faculty" includes, –

(i) "medical faculty" consisting of Professor or Associate Professor or Assistant Professor having Bachelor of Medicine and Bachelor of Surgery degree and higher qualifications as specified in tables A, B, C and D of the Schedule;

(ii) "non-medical faculty" consisting of Professor or Associate Professor or Assistant Professor having Master of Science with Doctor of Philosophy qualifications as specified in regulation 11; and

(iii) "dental faculty" consisting of Professor or Associate Professor or Assistant Professor having Bachelor of Dental Surgery and higher qualifications as specified in regulation 20.

19. It is pertinent to note that faculty positions are those which are directly involved in teaching and guiding students, such as Professors, Associate Professors, and Assistant Professors. The Principal is designated as the Head of the Institution, who is responsible for its overall administration, academic oversight, and compliance with statutory requirements. While the incumbent of the post of Principal may ordinarily be drawn from the teaching cadre, the Principal is not treated as part of the teaching faculty even for the purpose of determining the prescribed teacher–student ratio for recognition of a medical college.

20. Further, the distinction is also borne out from the relevant service rules. Under the Andhra Pradesh Medical Education Service Rules, issued in G.O.Ms.No.154 dated 04.05.2002, the posts are



classified under different categories. The relevant portion of the said G.O. is extracted hereunder:

In exercise of the powers conferred by the proviso to article 309 of the constitution of India and all others powers hereunto enabling, and in supersession of the G.Os. 1st to 24 and 27 read above, the Governor of Andhra Pradesh hereby makes the following Special Rules or the Andhra Pradesh Medical Education Service.

R U L E S

Short title:

These rules may be called the Andhra Pradesh Medical Education Service Rules.

Constitution:

The Service in the Andhra Pradesh Medical Education Service shall consist of the following Categories of posts namely:-

Category (1): Director of Medical Education.

Category (2): Additional Director of Medical Education including Principal of Medical College; and Superintendent of Teaching General Hospital.

*Category (3): (a) Special Grade Professor (Clinical) / (non-Clinical).
(b) Superintendent of Teaching Specialist Hospital.*

This above structural separation itself indicates that the post of Principal is a distinct category from that of a professor. Although the feeder category for appointment as Principal is the cadre of Professors, upon such appointment the post assumes the character of the administrative head of the institution.

21. Having regard to the above, the appellant, who was serving as a Professor, was being promoted to the post of Principal, which is essentially an administrative position. Thus, the situation is broadly comparable to that of his co-petitioners who were promoted to the post of Superintendent, which is also an administrative post. The distinction sought to be drawn by the learned Single Judge between

the posts of Superintendent and Principal, for the purpose of denying the benefit of Rule 11(b) to the appellant, does not appear to be borne out by the scheme of the service rules or the regulatory framework governing medical education.

22. It is pertinent to note that the State as well as the learned Single Judge had placed reliance on the concept of public interest to justify the insistence that the appellant accept the promotional post. However, upon careful examination, we find that such reliance does not withstand closer scrutiny for the following reasons:

- a. While considerations of public interest undoubtedly play an important role in matters of service administration, they cannot be invoked to override an express statutory provision, where the rule-making authority has consciously provided a framework which contemplates the consequence of an employee not joining the promoted post under Rule 11(b) of the 1996 Rules. The executive cannot negate the effect of such provision by resorting to a general invocation of public interest. To permit such an approach would, in effect, amount to rewriting the rule, which is impermissible. It is well settled that executive/administrative instructions cannot supplant statutory rules, a principle reiterated by the Hon'ble Supreme Court in **Sant Ram Sharma v. State of Rajasthan and others**⁶ wherein it is held as under:

⁶ MANU/SC/0330/1967



15.....It is true that Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed.

- b. The principle laid down by the Hon'ble Supreme Court in **Mohinder Singh's** case (supra 1) that an administrative order must stand or fall on the reasons contained therein, squarely applies to the present case. Similarly, the Apex Court in **State of Himachal Pradesh and others v. Oasys Cybernatics Private Limited**⁷ has held as under:

31. *The more appropriate course, in our considered view, would have been to adopt a two-step approach: first, to hold the cancellation vitiated for want of reasoning; and second, to remit the matter to the Competent Authority to reconsider the question upon recording cogent reasons and affording due opportunity to the affected bidder. Such a calibrated remedy would have preserved both the evolving constitutional discipline of fair procedure and the administrative necessity of efficiency in public procurement.*

(emphasis supplied)

The promotion order in G.O.Rt.No.298 dated 07.07.2025 is a routine promotion order and does not record any reasons indicating that acceptance of the promotion was being insisted upon in public interest.

- c. The justification relating to public interest and compliance with inspections of the NMC appears to have been raised for the first time in the counter-affidavit before the Court. Such subsequent explanations cannot ordinarily be relied upon to sustain an

⁷ MANU/SC/1579/2025



administrative action which does not disclose such reasons in the order itself.

- d. The State's contention that the impugned action advances public interest does not appear persuasive, particularly when the appellant is presently supervising six postgraduate students in the Department of Ophthalmology at Gandhi Medical College, Secunderabad, and the NMC norms mandate maintenance of the prescribed faculty-student ratio.
- e. Further, by promoting and relocating the appellant, the State is not merely filling a vacancy at Mahabubabad but is simultaneously creating a corresponding vacancy in the teaching cadre at Gandhi Medical College, Secunderabad, thereby potentially affecting postgraduate teaching and patient care at that institution. Therefore, a balanced view of public interest would require the State to address existing vacancies in the teaching cadre rather than creating fresh deficiencies by displacing senior professors from their core teaching responsibilities.

23. It is apposite to note that the learned Single Judge granted the very same order and relief to four petitioners who were promoted as Superintendents, the same relief was denied to the appellant who was promoted as ~~Principal~~. As already observed, no valid distinction can be drawn between these two posts for the purpose of applying Rule 11(b), since both are essentially administrative posts. More



importantly, in another order passed in W.P.No.20489 of 2025, the learned Single Judge allowed the writ petition of a doctor promoted as Superintendent, holding that the State's plea of public interest in posting him to a non-teaching post was untenable. The reasoning adopted therein, that if the objective was to strengthen teaching standards for regulatory inspections, the doctor ought to be retained in a teaching post, applies with equal force to the case of the appellant.

24. In the present case, though principle embodied in Article 14 of the Constitution of India mandates that similarly situated persons be treated alike, there exists no *intelligible differentia* between the appellant and the other petitioners who were granted relief, nor has the State demonstrated any rational nexus for the differential treatment. To that extent, the impugned order results in an arbitrary discrimination against the appellant and cannot be sustained.

25. On perusal of the record, it is evident that the appellant has cited several instances where the State has permitted doctors to forego promotions in the past. Orders dated 24.07.2024 and 05.08.2025, permitting Assistant Professors and Associate Professors to forego their promotions, are illustrative of such practice. Though estoppel may not strictly operate against the State, a consistent and settled administrative practice is indicative of the correct interpretation of a rule in the perception of the state. Further, it gives

rise to a legitimate expectation. In the absence of any convincing explanation for departing from such practice in the appellant's case, the action appears arbitrary.

26. The precedents relied upon by the State and accepted by the learned Single Judge are clearly distinguishable and inapplicable for the following reasons:

- i) In **Achal Singh's** case (supra 2), the Hon'ble Supreme Court dealt with refusal of an application for voluntary retirement in public interest, which involves cessation of service and the employer-employee relationship. The present case, however, relates only to declining a promotion while continuing in service, a situation expressly contemplated under Rule 11(b). The decision is therefore inapplicable.
- ii) The reliance placed on **M.A. Khader Mohiuddin's** case (supra 4) is misplaced. The said decision arose in the context of the judicial service, where promotions are closely tied to the functioning of the judicial hierarchy and are governed by a distinct constitutional and statutory framework, with considerations of institutional discipline and continuity of judicial administration playing a central role. In contrast, the present case concerns the promotion of a medical professor to the post of Principal of a Government Medical College, which is essentially an administrative position distinct from the teaching



cadre. More importantly, the governing service rules applicable herein expressly recognise the possibility of an employee declining promotion, subject only to the consequence stipulated under Rule 11(b). Therefore, the said decision is inapplicable to the facts of the present case.

- iii) **Sk. Nausad Rahaman's** case (supra 3) reiterates that an employee has no vested right to claim a posting of choice. The appellant is not seeking any particular posting, but merely exercising the statutory option not to accept a promotion. The reliance on the said decision is therefore misplaced.
- iv) In **Babanna Machched's** case (supra 5), the issue arose under a different statutory framework where the applicable service rules did not confer any specific option upon an employee to decline promotion, and the observations of the Court were made in the context of the administrative requirements of that service. In the present case, however, the matter is expressly governed by Rule 11(b) of the Telangana State and Subordinate Service Rules, 1996, which specifically permits an employee to forego promotion by not joining the promoted post within the stipulated period, the consequence being only the forfeiture of promotion for that panel year. Thus, the statutory scheme governing the present case is materially different, and the ratio of **Babanna Machched's** case (supra 5) cannot be applied to the facts of the present case.

27. After a thoughtful consideration, this Court is constrained to observe that the learned Single Judge committed a palpable error in denying the benefit of Rule 11(b) of the 1996 Rules to the appellant. The reasoning suffers from patent inconsistency and is without any *intelligible differentia* to justify granting relief to Superintendents while denying the same to the appellant promoted as Principal. The invocation of "public interest" by the learned Single Judge is misconceived, being an impermissible post-hoc rationalization, without any indication in the promotion order itself.

28. Our conclusion primarily rests on the legal grounds discussed above: i) the doctrine of parity; ii) the incorrect reliance on public interests and iii) the appellant's personal circumstances. While such hardship by itself may not override administrative exigencies, when coupled with a legal entitlement, it warrants a fair and humane consideration by this Court in the context of the facts and circumstances of the present case.

Conclusion

29. For the foregoing reasons, this Court is of the considered opinion that Rule 11(b) of the 1996 Rules, permits an employee to decline a promotional post by not joining within the prescribed time, the consequence being forfeiture of the promotion for the relevant panel year that the State cannot compel the appellant to accept the promotion contrary to the statutory scheme. We further find that the



post of Principal of a Government Medical College is essentially an administrative position distinct from the teaching cadre of Professors, and the learned Single Judge erred in treating it as a faculty/teaching post for the purpose of denying the benefit of the Rule 11(b) of 1996 Rules.

30. Accordingly, the Writ Appeal is allowed. The order dated 26.09.2025 passed in W.P.No.20111 of 2025 by the learned Single Judge is set aside insofar as it relates to the appellant. Consequently, it is declared that the appellant is entitled to forego the promotion in terms of Rule 11(b) of the Telangana State and Subordinate Service Rules, 1996. The G.O.Rt.No.298, Health, Medical and Family Welfare (A) Department, dated 07.07.2025, is set aside to the extent it promotes and posts the appellant as Principal, Government Medical College, Mahabubabad.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One fair copy to the **HON'BLE CHIEF JUSTICE CHALLA APARESH KUMAR SINGH**
(For His Lordship's Kind Perusal)
AND

One fair copy to the **HON'BLE SRI JUSTICE G.M. MOHIUDDIN**
(For His Lordship's Kind Perusal)

To

1. The Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Saifabad, State of Telangana at 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.
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Cntd....



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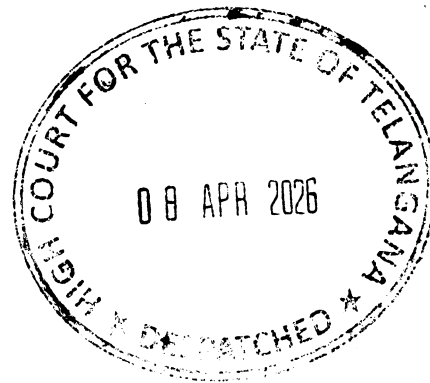
2026:TSHC:4079-DB

HIGH COURT

DATED:17/03/2026

JUDGMENT

WA.No.1192 of 2025



**ALLOWING THE W.A
WITHOUT COSTS.**

(28) — JKS
4/4/26