

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.38300 of 2017

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The relief sought for in this writ petition is to declare the action of the respondents, in issuing G.O.Ms.No.16 dated 31.05.2016 prescribing the qualification of Bachelor's Degree from a University in India established or incorporated by or under a Central Act or a Provisional Act or a State Act or an institution recognised by the University Grants Commission, or any other equivalent qualification, for promotion from among Extension Officer Grade-II (Supervisor) (w) ICDS, in so far as the petitioners herein are concerned who are in-service candidates, as illegal and arbitrary.

G.O.Ms.No.16 dated 31.05.2016 was issued by the Government of Telangana in the exercise of the powers conferred on it by Section 101 of the Andhra Pradesh Reorganisation Act, 2014. The order, notified in G.O.Ms.No.16 dated 31.05.2016, is called the Guidelines for appointment of Extension Officer Grade I (Supervisor) and Extension Officer Grade II (Supervisor) for the posts in Women Development and Child Welfare Department (Telangana Adaptation) Order, 2016 (for short "the Adaptation Order"). Paragraph 4(3) thereof stipulates, as a qualification for appointment by promotion from among Extension Officer Grade-II (Supervisor) (w) ICDS, the requirement of possessing a Bachelor's Degree as aforestated.

The petitioners' grievance is that, since they have been working for the past several years, the prescription of a Bachelor's Degree, as the qualification for promotion, would deny them an opportunity of being considered for promotion to a higher post.

It is always open to the Executive to frame rules prescribing qualifications for promotion to higher posts. The mere fact that a

Bachelor's Degree is prescribed as a qualification for promotion, and thereby the promotional avenues of employees, who are presently working in the feeder category, would be affected, by itself, does not justify interference with the Adaptation Order. It is only if the rules, so framed, are found to violate Articles 14 and 16 of the Constitution of India, would interference be justified. Prescription of the qualification of a Bachelor's Degree, for promotion to higher posts, cannot be said to be so arbitrary or unreasonable as to violate Articles 14 and 16 of the Constitution of India. We see no reason, therefore, to interfere with the Adaptation Order notified in G.O.Ms.No.16 dated 31.05.2016.

Sri B.Kamalakar Rao, learned counsel for the petitioners, states that the petitioners have submitted a representation to the Government to consider granting them exemption, from possessing the qualification of a Bachelor's Degree, while effecting promotions to higher posts. Suffice it to make it clear that the order now passed by us would not disable the respondents, if they so choose, from considering the petitioners' representation in accordance with law.

Subject to the aforesaid observations, the Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

17th November, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**



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Date: 17.11.2017

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