

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.511 of 2019

11.09.2019

Between

The State of Telangana,
Rep. through Special Chief Secretary,
School Education (General Department),
Secretariat, Hyderabad and others.

...APPELLANTS

AND

Irugula Rajkumar, S/o. Chandraiah,
Aged 36 years, Occ: Unemployed,
R/o.4-20, Julepally Village,
Kamanpur Mandal,
Karimnagar District and others.

...RESPONDENTS

Counsel for the Appellants: GP for Services - I

Counsel for the Respondent: Mr. S. Rahul Reddy
Mr. D. Balakishan Rao (SC for TSPSC)

The Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.511 of 2019

JUDGMENT: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The State of Telangana has filed this appeal for challenging the order dated 25.02.2019, passed by a learned Single Judge in WP.No.3305 of 2019, whereby the learned Single Judge has directed the Telangana State Public Service Commission ('Commission' for short) to consider the cases of the petitioners for appointment to the post of School Assistant (Social Studies) by duly taking into consideration their qualification of securing more than 50% marks in Post-Graduation as valid, and to consider their cases for appointment if they were to fall within the zone of consideration, and are found to be eligible and suitable for the said post.

2. Without having to narrate the factual position of this case, suffice it to say that, according to the impugned order, a concession was made by the learned Government Pleader before the learned Single Judge that, in fact, *"the qualification possessed by the petitioners is valid and hence their cases have to be considered for appointment to the post of School Assistant (Social Studies). The learned Government Pleader further submits that as per the NCTE Regulations also, the petitioners are qualified and eligible for appointment to the post of School Assistant (Social Studies) as they have secured more than 50% marks in the Post Graduation level"*.

3. The learned counsel for the appellants is merely apprehensive that the impugned order passed due to the concession made by the learned Government Pleader could be used by others to seek similar relief from the Court. Therefore, he prays that the impugned order should be restricted to only the petitioners, and not to others.

4. However, the operative portion of the impugned order clearly reveals that the order is in *persona*, and not in *rem*. Therefore, obviously, the order is restricted only to the petitioners who had approached before the writ Court. Hence, the benefit of the said order cannot be extended to others. Hence, the apprehension being entertained by the learned counsel for the appellants is misplaced.

5. Since a concession had been made by the learned Government Pleader, and since the impugned order is passed on such concession, this Court does not find any illegality or perversity in the impugned order passed by the learned Single Judge.

For the reasons stated above, this Court does not find any merit in the writ appeal and it is hereby dismissed. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

September 11, 2019
DSK