IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 4444 OF 2024

Between:

A.M. Yousuf Hussain, S/o Late A. Jaffer Hussain, Aged about 59 yrs, Occ Superintendent Engineer-HMDA, R/o Flat No. 201B, Endicos Alauddin County Apartments, Near Neelima Hospital, Czech Colony, Sanath nagar, Hyderabad 500018

...PETITIONER

AND

1. The State of Telangana, through its Chief Secretary, having office at T.S. Secretariat, Hyderabad
2. The State of Telangana, through its Principal Secretary, M.A.and U.D. Having office at T.S. Secretariat, Hyderabad.
3. The Hyderabad Metropolitan Development Authority, rep. by its Metropolitan Commissioner, Having office at 7th Floor, Swarna Jayanthi Commercial Complex, Ameerpet, Hyderabad
4. The Hyderabad Metropolitan Development Authority, rep. by its Joint Metropolitan Commissioner, Having office at HMDA Office Ameerpet, Hyderabad
5. Ch. Paramjyoti, W/o not known to the Petitioner, Occ Incharge Chief Engineer, HMDA, R/o c/o Swarna Jayanti Commercial complex, 7th Floor, Ameerpet, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action of the respondents No. 3 and 4 in following the Rule of Reservation to confer consequential seniority upon the respondent No. 5 in the matter of promotions above the petitioner belonging to general category, without undertaking the exercise of collecting quantifiable data showing

inadequacy of representation of that class in public employment and efficiency in services in addition to compliance with Article 335 of the Constitution of India, as laid down by the Honourable Supreme Court of India, in a case of M. Nagraj 2006 (8) SCC 212, and in the case of Jarnail Singh reported in 2018 LawSuit (SC) 943 and DB Judgment of this Honourable Court in WP No. 4415 of 2016, on the basis of OBJECTIONS raised by the petitioner dated 12 th Feb 2024, is highly illegal, arbitrary and unconstitutional. Consequentially, this Honourable Court may be pleased to direct the respondents No.3 and 4 to undertake the exercise of collecting quantifiable data showing inadequacy of representation of that class in public employment and efficiency in services in addition to compliance with Article 335 of the Constitution of India, as laid down by the Honourable Supreme Court of India, in a case of M. Nagraj 2006 (8) SCC 212, and in the case of Jarnail Singh reported in 2018 LawSuit (SC) 943 and DB Judgment of this Honourable Court in WP No. 4415 of 2016 and REVIEW All promotions granted since the date of judgment passed in M. Nagraj by the Honourable Supreme Court.

IA NO: 1 OF 2024

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 pass an interim direction thereby directing the respondent No.3 and 4 to consider the objections raised by the petitioner dated 12/2/2024, before passing any orders pursuant to the Memo No. 2758/Estt/HMDA/2010, dated 29/1/2024, thereby complying with Article 335 of the Constitution of India, as laid down by the Honourable Supreme Court of India, in a case of M. Nagraj 2006 (8) SCC 212, and in the case of Jarnail Singh reported in 2018 LawSuit (SC) 943 and DB Judgment of this Honourable Court in WP No. 4415 of 2016.

Counsel for the Petitioner : SRI MOHAMMAD ADNAN
Counsel for the Respondents Nos.1&2 : GP FOR SERVICES III
Counsel for Respondents Nos.3&4 : SRI V.NARASIMHA GOUD, SC FOR HMDA
Counsel for the Respondent No.5 : --

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.4444 OF 2024

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

> "...to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action of the respondents No.3 and 4 in following the Rule of Reservation to confer consequential seniority upon the respondent No.5 in the matter of promotions above the petitioner belonging to general category, without undertaking the exercise of collecting quantifiable data showing inadequacy of representation of that class in public employment and efficiency in services in addition to compliance with Article 335 of the Constitution of India, as laid down by the Hon'ble Supreme Court of India, in a case of M.Nagraj 2006 (8) SCC 212 and in the case of Jarnail Singh reported in2018 LawSuit (SC) 943 and DB Judgment of this Hon'ble Court in W.P. No.4415 of 2016, on the basis of objections raised by the petitioner dated 12-02-2024 is highly illegal, arbitrary and unconstitutional, Consequently, this Hon'ble Court may be pleased to direct the respondents No.3 and 4 to undertake the exercise of collecting quantifiable data showing inadequacy of representation of that class in public employment and efficiency in services in addition to compliance with Article 335 of the Constitution of India as laid down by the Hon'ble Supreme Court of India in a case of M.Nagraj 2006 (8) SCC 212, and in the cade of Jarnail Singh reported in2018 LawSuit (SC) 943 and DB Judgment of this Hon'ble Court in W.P. No.4415 of 2016 and Review All promotions granted since the date of judgment passed in M.Nagraj by the Hon'ble Supreme Court and pass..."

2. Heard Sri Mohd. Adnan, learned counsel appearing for the petitioner, learned Government Pleader for Services-III, appearing for respondent Nos.1 and 2 and Sri V. Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority, appearing for respondent Nos.3 and 4.

3. With the consent of the respective parties, the writ petition is being disposed of.

4. Learned counsel appearing for the petitioner submits that though the petitioner is (11) years senior to respondent No.5 he is placed at Sl.No.3, as junior to respondent No.5, in the tentative seniority list in the cadre of Superintending Engineer. Aggrieved by the same, the petitioner submitted his objections to respondent No.4 vide representation dated 12.02.2024. However, without considering the same, the respondents are proceeding to confer seniority to respondent No.5. Therefore, learned counsel for the petitioner prays this Court to direct respondent No.4 to consider the representation dated 12.02.2024 and pass appropriate orders thereon.

5. Learned Standing Counsel appearing for respondent Nos.3 and 4 submits that respondent No.4 will consider the objections raised by the petitioner vide letter dated 12.02.2024 and pass necessary orders accordingly.

6. In view of the above made submissions, without going into merits of the case, the Writ Petition is disposed of directing respondent No.4 to

consider the objections raised by the petitioner vide letter dated 12.02.2024 and pass appropriate orders thereon in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order and communicate a copy thereof to the petitioner.

Interlocutory applications, if any, pending in this writ petition, shall stand closed. No costs.

SD/- N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Secretary, having office at T.S. Secretariat, State of Telangana, Hyderabad
2. The Principal Secretary, M.A. and U.D. Having office at T.S. Secretariat, State of Telangana, Hyderabad.
3. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Having office at 7th Floor, Swarna Jayanthi Commercial Complex, Ameerpet, Hyderabad
4. The Joint Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Having office at HMDA Office Ameerpet, Hyderabad
5. One CC to SRI MOHAMMAD ADNAN, Advocate. [OPUC]
6. Two CCs to GP FOR SERVICES III, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA. [OPUC]
8. Two CD Copies.

BSK
GJ

HIGH COURT

DATED:20/02/2024



ORDER

WP.No.4444 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(11) Copies

5/3/24