Reserved for judgment on : 06.10.2026
Date of pronouncement : 11.11.2026
Date of uploading : 11.11.2026

Whether only operative part
of the judgment is pronounced
or whether full judgment is
pronounced : FULL.

APHC010232292020 **IN THE HIGH COURT OF ANDHRA PRADESH** [3584]
AT AMARAVATI

WRIT PETITION Nos.15311 of 2020; 8802 AND 11059 OF 2024; AND 14674 OF 2025

(1) W.P.No.15311 of 2020:
T. Subramanyam and others ...Petitioner(s)
Vs.
Government of Andhra Pradesh and others ...Respondent(s)

***

(2) W.P.No.8802 of 2024:
Chukka Kondaiah & Ors. …Petitioners
Vs.
State of Andhra Pradesh and others. …Respondents

***

(3) W.P.No.11059 of 2024:
Mathi Hari Gopal & Ors. …Petitioners
Vs.
State of Andhra Pradesh and others. …Respondents

***

(4) W.P.No.14674 of 2025:
Challa Jagadeesh & Ors. …Petitioners
Vs.
State of Andhra Pradesh and others. …Respondents

***

CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 11th November 2026

Present:

Advocates for petitioners: MR.P.BHASKAR; MR.SUBBARAO KORRAPATI; & THOKA DEVA DEEPAK ANIRUDH YADAV.

Advocate(s) for Respondent(s): ADDL ADVOCATE GENERAL

***

COMMON ORDER: (per Hon'ble Sri Justice Challa Gunaranjan)

In all these writ petitions, since challenge is made to G.O.Ms.No.25, School Education (IE) Department, dated 11.03.2016 and G.O.Ms. No.26, School Education (IE) Department, dated 11.03.2016, by which amendments were made to Andhra Pradesh Intermediate Education Subordinate Service Rules, 2002, (for short, "Intermediate Service Rules"), the same are taken up for consideration and disposed by this common order.

2. For sake of convenience, facts narrated in W.P. No.15311 of 2020 are set out, as petitioners in all these cases stand on the same footing.

3. Prayer in W.P.No.15311 of 2020 reads as under:

> "….to pass an order or direction. more particularly in the nature of writ of mandamus declaring G.O.Ms.No.25, School Education (IE) Department, and G.O.Ms.No.26, School Education (IE) Department, even dated 11.03.2016, as illegal, arbitrary and consequently direct promotions of the petitioners as they are eligible for promotion prior to the issuance of the impugned G.Os. and are entitled to be promoted as per the extant rules applicable as on their date of eligibility for promotion and to pass..."

4. **(a)** Petitioners were appointed as Physical Directors in the Department of School Education, governed by the A.P. School Education Subordinate Service Rules. Presently, they are working as Physical Director Grade-II. Petitioners claim that they are entitled to be considered for appointment by promotion as Physical Directors in Government Junior

Colleges in terms of G.O.Ms.No.79, Higher Education (IE) Department, dated 25.11.2002, by which the Andhra Pradesh Intermediate Education Subordinate Service Rules, 2002 were promulgated.

(b) All petitioners were stated to be eligible for appointment by promotion between the years 2000 and 2009. As their cases were not being considered and promotions were delayed, some of the petitioners preferred O.A. No.5866 of 2013 before the Andhra Pradesh Administrative Tribunal, Hyderabad ("A.P. A.T."). It is stated that, by order, dated 15.03.2016, O.A. had been allowed, directing respondents therein to consider the cases of applicants therein for appointment by transfer to the post of Physical Director in Government Junior Colleges, subject to their eligibility in terms of G.O. Ms. No.79, dated 25.11.2002.

(c) Even this Court had upheld aforesaid order by dismissing W.P. No.35063 of 2017, and later, similar orders were issued while disposing W.P. No.24668 of 2019 and batch, vide common order dated 24.12.2019. It is stated that in order to nullify aforesaid directions, respondents had issued impugned G.Os. amending Intermediate Service Rules, *inter alia,* omitting the post of Physical Director, among others, and carving out a new cadre with distinct qualifications and appointing authority. Aggrieved by the same, present writ petitions are preferred.

5. **(a)** 1st respondent filed counter-affidavit, *inter alia,* stating that Physical Education Teachers and Physical Directors Grade-II in School

Education Department and Physical Directors in Intermediate Education Department have since constituted distinct and separate local cadres, having regard to the judgment of Hon'ble Apex Court in **V.Jagannadha Rao v. State of A.P**[1], exercise of reorganization of cadre was necessitated, thus, appropriate amendments were carried out to Intermediate Service Rules.

(b) It is further stated that in the absence of any equivalence or horizontal parity between the respective cadres, feeder cadre for promotion must be confined strictly within the Intermediate Education Department. In that view of the matter, continuing channel of appointment by transfer from Physical Director Grade-II from School Education Subordinate Service Rules would be impermissible and not supported by either applicable service rules or Presidential Order.

(c) It is further stated that separation of cadres, since has been consistently upheld in various judicial pronouncements by Hon'ble Apex Court as well as this Court in matters concerning promotions between departments governed by separate service rules, principle of departmental exclusivity in promotional avenues, as upheld even in case of Junior Lecturer posts, would equally apply to present case, therefore, amendment was sought to be justified.

---

[1] (2001) 10 SCC 401

6. We have heard Mr.P.Bhaskar, Mr.Subba Rao Korrapati and Mr.Thoka Deva Deepak Anirudh Yadav, learned counsels for petitioners and learned Additional Advocate-General for respondents.

7. Mr.P.Bhaskar and Mr.Thoka Deva Deepak Anirudh Yadav, learned counsels for petitioners, vehemently contended that though Intermediate Service Rules provided for appointment by transfer as on the date vacancies arose, and petitioners were eligible and falling within the zone of consideration, respondents have not undertaken the exercise of appointment by promotion despite judicial pronouncements by A.P. A.T. as well as this Court, in view of judgment of Hon'ble Apex Court in **Y.V.Rangaiah v. J.Sreenivasa Rao**[2] their cases are required to be considered for appointment by applying rules in force as on the date of vacancies arising. It is further contended that even otherwise, petitioners have got vested right for consideration of promotion, which cannot be denied by mere amending rules. In support of aforesaid submissions, reliance has been placed on judgment in W.P. No. 23283 of 2017 passed by the Composite High Court of Andhra Pradesh.

8. Mr.Korrapati Subba Rao, learned counsel for petitioners in W.P.No.11059 of 2024, while adopting aforesaid submissions, further contended that by virtue of impugned amendment, petitioners are virtually

---

[2] (1983) 3 SCC 284

denied any further promotion and they stagnated in the post presently working, therefore, impugned amendments taking away the benefit of promotion are unsustainable.

9. **(a)** Opposing aforesaid submissions, learned Additional Advocate General appearing for respondents submitted that petitioners have no vested right to seek appointment by way of promotion in accordance with repealed rules. It is only on account of reorganization of local cadre, since services in School Education Department and Intermediate Education Department constitute separate and distinct classes, it was necessitated for carrying out amendments to Intermediate Service Rules to be in consonance with the law laid down by Hon'ble Apex Court in **V. Jagannadha Rao**[1] as well as various other authoritative pronouncements of this Court.

(b) It is also submitted that as a matter of policy, since respondents have not undertaken the exercise of appointment by way of promotion, and in the interregnum rules were amended reorganizing the cadre, question of considering case of petitioners for promotion applying repealed rules on the basis of then existing vacancies, does not arise. In support of aforesaid submissions, reliance has been placed on the judgments of Hon'ble Apex

Court in **Dr.K. Ramulu v. Dr.S. Suryaprakash Rao**[3] and **Deepak Agarwal v. State of U.P**[4].

10. We have given our anxious consideration to the submissions made above and perused the record.

11. Petitioners admittedly were appointed as Physical Directors in School Education Service following 2002 Rules. Post of Physical Director in Junior Colleges is governed by Intermediate Service Rules. Rules 2 and 3 of the said Rules, relevant for present purpose, read as under:

> "**2. Constitution:** The service shall consist of the following classes and categories of posts in Andhra Pradesh Intermediate Education Subordinate Service, namely:-
>
> CLASS-A :
>
> Category (1): Physical Director, Government Junior College"
>
> **3. Method of appointment and appointing authority:** Subject to the other provisions in these rules, the method of appointment and appointing authority for several categories shall be as follows, namely:

Class & Category	Method of appointment	Appointing Authority
(1)	(2)	(3)
Class-A		
1) Physical Director, GJC	By direct recruitment (or) by appointment by transfer of Physical Director Grade-II of School Education Subordinate Service.	Joint Director of Intermediate Education
2) ---	---	----
NOTE.1	(a) 70% of the total number of vacancies of Physical Director shall be filled by appointment by transfer of Physical Director Grade-II of	

[3] (1997) 3 SCC 59
[4] (2011) 6 SCC 725

	School Education Subordinate Service.	
	(b) 30% of the total number of vacancies shall be filled by Direct Recruitment.	

12. No doubt, petitioners were eligible for being considered to be appointed as Physical Director in Government Junior Colleges as one of the channels of selection being appointment by transfer of Physical Director Grade-II of School Education Subordinate Service Rules. Petitioners have been continuously agitating for consideration of their cases to be appointed as Physical Directors in Government Junior Colleges, and indeed the A.P. A.T. as well as this Court had also issued directions to consider their cases.

13. Be that as it may, Government had declared posts of Physical Directors in Government Junior Colleges as Gazetted, on par with Junior Lecturers, by issuing G.O. Ms.No.19, Higher Education (IE.I) Department, dated 25.02.2009. Thereafter, vide G.O. Ms.Nos.25 and 26, even dated 11.03.2016, amendments were made to the principal rules issued in G.O.Ms.No.79, dated 25.11.2002. On account of said amendments, post of Physical Director falling under Category 1 of Class-A was omitted, and further included under Category 10. Mode of selection envisaged was by direct recruitment by the appointing authority, i.e., Joint Director, Intermediate Education, with new set of prescribed educational

qualifications. Thus, by virtue of the same, petitioners would not be eligible to be appointed as Physical Directors in Government Junior Colleges anymore.

14. In aforesaid background, the issue that arises for our consideration is whether petitioners are entitled to be considered for appointment by way of transfer by applying unamended rules considering then existing vacancies, and whether petitioners have acquired any vested right for being considered for appointment in accordance with said Rules.

15. Learned counsels for petitioners laid much emphasis on the judgment of Hon'ble Apex Court in **Y.V. Rangaiah**[2] to contend that one has to apply the rule in force on the day the vacancy arises and not the rule one in force on the date of consideration.

16. This issue, in our considered view, is no more *res integra.* As there were divergent views expressed one starting from **Y.V. Rangaiah**[2], a three-Judge Bench of Hon'ble Apex Court in **State of Himachal Pradesh v. Raj Kumar**[5], after considering the case law and having examined the principles laid down, while overruling the view expressed in **Y.V. Rangaiah**[2], held that public servant does not possess a vested right to be considered under the old rules; rather, right to be considered for promotion would be governed exclusively by the rules in force at the time promotion

[5] (2023) 3 SCC 773

is considered. It is apt to refer to following passages from the aforesaid judgment:

> "82. A review of the fifteen cases that have distinguished *Rangaiah* would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in *Rangaiah*. The findings in these judgments, that have a direct bearing on the proposition formulated by Rangaiah are as under:
>
> 82.1. There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, *Rangaiah* case must be understood in the context of the rules involved therein.
>
> 82.3. The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules. The employee does not acquire any vested right to being considered for promotion in accordance with the repealed rules in view of the policy decision taken by the Government. There is no obligation for the Government to make appointments as per the old Rules in the event of restructuring of the cadre is intended for efficient working of the unit. The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14.
>
> 82.4. The principle in *Rangaiah* need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately.
>
> 82.5. When there is no statutory duty cast upon the State to consider appointments to vacancies that existed prior to the amendment, the State cannot be directed to consider the cases.
>
> xxx
>
> 84. The decision in *Deepak Agarwal* is a complete departure from the principle in *Rangaiah* inasmuch as the Court has held that a candidate has a right to be considered in the light of the existing

> rule. That is the rule in force on the date the consideration takes place. This enunciation is followed in many subsequent decisions including that of *Union of India* v. *Krishna Kumar*. In fact, in *Krishna Kumar* Court held that there is only a "right to be considered for promotion in accordance with rules which prevail on the date on which consideration for promotion takes place".
>
> xxx
>
> 85.1. The statement in *Y.V*. *Rangaiah* that, "the vacancies which occurred prior to the amended Rules would be governed by the old Rules and not by the amended Rules", does not reflect the correct proposition of law governing services under the Union and the States under Part XIV of the Constitution. It is hereby overruled."

17. Aforesaid expression of view has later been followed in **State of Odisha v. Sreepati Ranjan Dash**[6] and **Jagdish Prasad v. P.M. Manoj Kumar**[7].

18. Though learned counsel for petitioners in W.P.No.11059 of 2024, raised an argument that on account of impugned amendment to Rules, petitioners are deprived any further promotional avenues, however, neither any material has been placed before us, nor it is demonstrated that School Education Service does not provide or contemplate any promotional avenues. Therefore, aforesaid submission has no basis.

19. In view of above exposition of law, judgments sought to be relied on by petitioners would be of no avail.

---

[6] 2026 SCC OnLine SC 879 = 2026 INSC 505
[7] 2026 SCC OnLine SC 970

20. We, therefore, do not find any merit in these writ petitions. Accordingly, the same stand dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

cs