

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

**THURSDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NOS: 36885 AND 36889 OF 2025

W.P.NO: 36885 OF 2025

Between:

Ponnam Madhavi, D/o. Satyanarayana, Aged about 49 years, School Guidance Counsellor (SA), O/o. The Director, State Council of Educational Research and Training (SCERT), Telangana State, Hyderabad. R/o. Flat No. 602, B-Block, Riddhi's Pramukh Elegance, Kompally, Hyderabad - 500067

...PETITIONER

AND

1. The State of Telangana, rep., by its Principal Secretary, School Education Department, Secretariat, Hyderabad.
2. The Director of School Education, Telangana State, Hyderabad.
3. The Director of State Council of Educational Research and Training (SCERT), Hyderabad.
4. The District Educational Officer, Karimnagar District.

...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 issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd and 3rd Respondents in issuing repatriation orders to the Petitioner vide proceedings RC No. 938/Ser.III-1/2025, dt. 24/11/2025, and consequential orders in RC. No. 26/Estt/TSCERT/2024, dt. 29/11/2025, even though, the Petitioner is not working on deputation, without verifying the records and orders of the Government in G.O.Rt.No.813, School Education (PE-PROG.II) Dept., dt. 11/11/2011, as highly illegal, unjust, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently, set aside the impugned orders and further direct the Respondents to retain and continue the Petitioner in the 3rd Respondent's office (SCERT), with all service and monetary benefits.

IA NO: 1 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 direct the Respondents to continue the Petitioner in the 3rd Respondent's office (SCERT), by suspending the operation of the impugned proceedings RC No. 938/Ser.III-1/2025, dt. 24.11.2025, issued by the 2nd Respondent and consequential orders in RC. No. 26/Estt/TSCERT/2024, dt. 21/11/2025, issued by the 3rd Respondent and to pass

IA NO: 2 OF 2025

Between:

1. The State of Telangana, rep., by its Principal Secretary, School Education Department, Secretariat, Hyderabad.
2. The Director of School Education, Telangana State, Hyderabad.
3. The Director of State Council of Educational Research and Training (SCERT), Hyderabad.
4. The District Educational Officer, Karimnagar District.

**PETITIONERS/
...RESPONDENTS**

AND

Ponnam Madhavi, D/o. Satyanarayana, Aged about 49 years, School Guidance Counsellor (SA), O/o. The Director, State Council of Educational Research and Training (SCERT), Telangana State, Hyderabad. R/o. Flat No. 602, B-Block, Riddhi's Pramukh Elegance, Kompally, Hyderabad - 500067

...PETITIONER

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 vacate the interim orders dated. 09-12-2025 in WP.No.36885 of 2025 dismiss the Writ Petition.

**Counsel for the Petitioner: SRI PRATAP NARAYAN SANGH , SENIOR
COUNSEL FOR SRI POODATTU**

AMARENDER,ADVOCATE

Counsel for the Respondents: GP FOR SERVICES I

W.P.NO: 36889 OF 2025

Between:

A.Uma Rani, D/o. Harischander Rao, Aged about 55 years, Science Supervisor (SA-Phy.SC), O/o. State Council of Educational Research and Training (SCERT), Telangana State, Hyderabad. R/o. Flat No. 701, Block-10, Hill Ridge Springs, Near ISB, Gachibowli, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, rep., by its Principal Secretary, School Education Department, Secretariat, Hyderabad.
2. The Director of School Education, Telangana State, Hyderabad.
3. The Director of State Council of Educational Research and Training (SCERT), Hyderabad.
4. The District Educational Officer, Adilabad District.

...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 issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd and 3rd Respondents in issuing repatriation orders to the Petitioner vide proceedings RC No. 938/Ser.III-1/2025, dt. 24.11.2025, and consequential orders in RC. No. 26/Estt/TSCERT/2024, dt. 29.11.2025, even though, the Petitioner is not working on deputation, without verifying the records and orders of the Government in G.O. Rt. No. 462, School Education (SER.V) Dept., dt. 08.07.2008, as highly illegal, unjust, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently, set aside the impugned orders and further direct the Respondents to retain and continue the Petitioner in the 3rd Respondent's office (SCERT), with all service and monetary benefits.

IA NO: 1 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 direct the Respondents to continue the Petitioner in the 3rd Respondent's office (SCERT), by suspending the operation of the impugned proceedings RC No. 938/Ser.III-1/2025, dt. 24.11.2025, issued by the 2nd Respondent and consequential orders in RC. No. 26/Estt/TSCERT/2024, dt. 29.11.2025, issued by the 3rd Respondent.

**Counsel for the Petitioner: SRI PRATAP NARAYAN SANGHI, SENIOR
COUNSEL FOR SRI POODATTU AN ARENDER**

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following: COMMON ORDER

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

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION Nos.36885 and 36889 of 2025

Dated 26th March, 2026.

Between:

Ponnam Madhavi

... Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary,
School Education Department, Secretariat,
Hyderabad, and others.

... Respondents

COMMON ORDER:

Since the *lis* in these writ petitions is one and the same, they are analogously heard together and are taken up for disposal by way of this common order.

2. These Writ Petitions are filed seeking to declare the repatriation orders dated 24.11.2025 issued by respondent No.2, and the consequential relieving order dated 29.11.2025, issued by respondent No.3, as illegal, arbitrary, unjust, and violative of Articles 14 and 16 of the Constitution of India, and consequently, to set aside the said

orders, with a further direction to the respondents to continue the petitioners in service at the office of respondent No.3 with all consequential service and monetary benefits.

3. Heard Sri Pratap Narayan Sanghi, learned Senior Counsel, and Sri Poodattu Amarender, learned counsel appearing for the petitioners, and learned Government Pleader for Services-I, appearing on behalf of the respondents. For the purpose of convenience, the petitioner in W.P.No.36885 of 2025 is hereinafter referred to as petitioner No.1 and the petitioner in W.P.No.36889 of 2025 as petitioner No.2.

4. Learned counsel for the petitioners submit that petitioner No.1 was initially appointed as a Secondary Grade Teacher on 26.10.1998, in the erstwhile Karimnagar District through the District Selection Committee after due process of selection, and was later promoted as School Assistant (English) on 03.03.2006. Petitioner No.2 was also appointed as a Secondary Grade Teacher on 14.08.1998 in the erstwhile Adilabad District through the District Selection Committee and was also promoted as School Assistant (Physical Science) on 20.10.2002. It is submitted that petitioner No.1 was deputed as Program Officer in the office of respondent No.3 on terms of foreign

service, in accordance with G.O.(P).No.10 dated 22.10.1993, and she joined duty as such on 21.10.2010. Thereafter, the Government issued G.O.Rt.No.813 dated 11.11.2011, appointing her by way of transfer as School Guidance and Counselor in the office of respondent No.3, in accordance with the statutory rules issued under G.O.Ms.No.538 dated 20.11.1998, which govern the appointments in SCERT. Similarly, petitioner No.2 was initially deputed to the office of respondent No.3 on 26.02.2007 but she was repatriated to her parent unit vide proceedings dated 05.07.2008. Subsequently, she was also appointed by way of transfer as Science Supervisor in the office of respondent No.3 vide G.O.Rt.No.462 dated 08.07.2008, in accordance with the aforesaid G.O.Ms.No.538 dated 20.11.1998.

5. It is further submitted that consequent upon bifurcation of the State on 01.06.2016, the posts were distributed among both the State in 58:42 ratio, and the petitioners herein were allocated to the State of Telangana, and their working units were shown as Director of SCERT, Telangana State, and they have continued discharging their duties. However, on 23.01.2024 and 25.01.2024, the Government issued orders, instructing respondent No.3 to cancel certain deputations and to repatriate the staff working under his control. Accordingly, after thorough verification of records, respondent No.2 furnished a detailed

report to the Government vide letter dated 27.01.2024, clearly stating that the petitioners were working in the office of respondent No.3 by way of appointment by transfer in regular and existing vacancies, and requested the Government to issue appropriate orders in the matter. However, no orders have been passed by the Government so far.

6. It is further submitted that basing on the representations of employees' union, alleging that the petitioners are continuing in the office of respondent No.3 despite the cancellation orders of the Government, respondent No.3 addressed a letter dated 25.01.2025 to respondent No.2 for cancellation of the petitioners' deputations. Immediately, the petitioners submitted their representations to respondent No.2 on 03.07.2025, clarifying that they are not working on deputation but were appointed by way of transfer in the office of respondent No.3, in accordance with the rules. However, respondent No.2 issued the impugned proceedings dated 24.11.2025, directing respondent No.3 to cancel the petitioners' alleged deputations and to repatriate them to their parent departments. Consequently, respondent No.3 issued the impugned reliving orders, both dated 29.11.2025, instructing the petitioners to report before DEO, Karimnagar and DEO, Adilabad, respectively.

7. It is further submitted that the posts of School Guidance and Counselor and Science Supervisor in SCERT are categorized under Class-I posts under the rules issue in G.O.Ms.No.538 dated 20.11.1998 and the said posts are required to be filled in by transfer from School Assistants. As such, the petitioners' appointments are not deputations but regular appointment made by way of transfer in accordance with the statutory rules. It is further submitted that the petitioners' were appointed by way of transfer by virtue of the Government orders vide G.O.Rt.No.813 dated 11.11.2011 and G.O.Rt.No.462 dated 08.07.2008, respectively, and neither respondent No.2 nor respondent No.3 has the authority to cancel the said Government orders. However, without waiting for the orders from the Government and without verifying the records, the respondents have issued the impugned orders in a high-handed and arbitrary manner, erroneously treating the petitioners' appointment as deputation, and the same is a clear case of abuse of power and insubordination. Thus, the impugned orders are highly illegal, unjust, arbitrary, without application of mind, and contrary to the aforesaid Rules. Therefore, learned counsel seek indulgence of this Court to set aside the impugned proceedings dated 24.11.2025 and consequential reliving orders dated 29.11.2025, with a direction to

the respondents to retain and continue the petitioners in the office of respondent No.3.

8. On the other hand, learned Government Pleader, appearing on behalf of the respondents, submits that both the petitioners were initially appointed as Secondary Grade Teachers in the year 1998 in Mandal Praja Parishad School under Zilla Parishad Management in the erstwhile Karimnagar and Adilabad Districts respectively, and were later promoted as School Assistants in 2006 and 2002, respectively. It is submitted that upon considering their requests, the petitioners were posted in the office of respondent No.3 only on deputation/terms of foreign service, in accordance with G.O.(P).No.10 dated 22.10.1993. Petitioner No.1 was deputed in the year 2010 as a Program Officer, while, petitioner No.2, who was originally deputed in the year 2007 to work in the Adolescence Education Cell, was subsequently posted as Science Supervisor in the year 2008. It is submitted that the Government issued orders vide G.O.Rt.No.813 dated 11.11.2011 and G.O.Ms.No.462 dated 08.07.2008, posting the petitioners as School Guidance Counselor and Science Supervisor respectively, subject to the condition of implementation of the Fair Share Principles.

9. It is submitted that in the year 2024, respondent No.1 has reviewed the depositions of all the employees and issued orders vide Memos dated 23.01.2024 and 25.01.2024, directing cancellation and repatriation of all depositions beyond three years' period. As these orders were never modified or withdrawn, in pursuance thereof, respondent No.2 issued the impugned proceedings dated 24.11.2025, canceling the deputation of the petitioners and consequential relieving orders dated 04.12.2025, were issued by respondent No.3, which were communicated to them through WhatsApp as the petitioners were unavailable in the office of respondent No.3.

10. It is further submitted that the petitioners are governed under the Unified Service Rules of Teachers working in Government and Zilla Parishad Schools issued under G.O.Ms.No.538 dated 16.11.1998, which provides for recruitment by transfer on the basis of a criteria that may be fixed by the Government from time to time. However, the said Unified Service Rules were set aside by a Division Bench of this Court in ***M. Kesavulu and others v. State of Andhra Pradesh and others***¹, and the matter was carried to the Hon'ble Apex Court. As such, once the very source of the petitioners' posting was struck down, and it is affirmed that the services of teachers of

¹ 2003 (6) ALD 522 (DB)

Government schools and Zilla Parishad schools are distinct services under the Presidential Order, the petitioners, being local body employees, cannot claim a right to hold posts in a State-level Government institution like SCERT or claim any relief basing on the said G.O. It is further submitted that after the Unified Service Rules in G.O.Ms.No.538 were struck down, the Government issued new Rules under G.O.Ms.Nos.95 and 96, both dated 25.07.2005, which were also struck down by a Division Bench of this Court in **Government of A.P. and others v. P. Vema Reddy and others**², which was also affirmed by the Hon'ble Apex Court. Thereafter, the Government had issued fresh *ad hoc* rules vide G.O.Ms.No.12 dated 23.01.2009, governing the teachers of local body schools, and there is no provision under these rules for recruitment by transfer of School Assistants to SCERT. Hence, there is presently no statutory provision enabling permanent transfer of Zilla Parishad teachers into SCERT service. It is further submitted that during the State reorganization in 2014, only the posts were provisionally allocated and not the individuals, and the said allocation never converted their deputation into regular absorption. Therefore, the petitioners cannot claim for continuation in the office of respondent No.3 as a matter of right.

² 2007 (4) ALD 209 (DB)

Hence, it is prayed to dismiss the present writ petitions. Reliance has been placed on the following decisions of the Hon'ble Apex Court and the Division Bench of the erstwhile High Court of Judicature of Andhra Pradesh at Hyderabad:

- i) ***Managing Director, U.P. Rajkiya Nirman Nigam v. P.K. Bhatnagar and others***³
- ii) ***Nesar Ahmed and another v. State of Jharkhand and others***⁴,
- iii) ***Union of India v. Phani Bushan Kundu and others***⁵,
- iv) ***Jyostnamayee Mishra v. State of Odisha and others***⁶,
- v) ***M. Kesavulu and others v. State of Andhra Pradesh and others*** (referred supra), and;
- vi) ***Government of A.P. and others v. P. Vema Reddy and others*** (referred supra).

11. In reply, learned counsel for the petitioners submit that although the petitioners were initially appointed as Secondary Grade Teachers in Zilla Parishad schools and were subsequently promoted as School Assistants, they were posted in the office of respondent No.3 against the sanctioned vacancies, and the said postings were not stop-gap arrangements, but were made through formal Government Orders. It is further submitted that during the reorganization of the

³ (2007) 14 SCC 498

⁴ (2014) 11 SCC 394

⁵ Civil Appeal No.22850 of 2024 dated 18.12.2024.

⁶ 2025 SCC OnLine SC 117

State in 2014, the posts held by the petitioners in SCERT were allocated to the State of Telangana vide proceedings dated 01.06.2014 and the petitioners were continued accordingly vide proceedings of respondent No.3 dated 02.06.2014. As such, the contention of the respondents that only the posts were allocated to the State of Telangana and not the individuals is contrary to the orders issued by the Government vide G.O.Ms.Nos.241 and 245 both dated 01.06.2014.

12. It is further submitted that the Government issued Memos dated 23.01.2024 and 25.01.2024, directing cancellation of deputations exceeding three years, and respondent No.2 sought a categorical clarification about the petitioners vide letter dated 27.01.2024, but no information was furnished thereof. As such, the assumption of the respondents that in the absence of any specific orders, the Memos dated 23.01.2024 and 25.01.2024 would prevail is wholly misleading and untenable. Further, the said Memos are also inapplicable to the petitioners, since their posting in SCERT was not on deputation but by way of appointment by transfer by virtue of G.O.Ms.No.813 dated 11.11.2011 and G.O.Ms.No.462 dated 08.07.2008. It is submitted that the respondents themselves addressed communications to the Government clarifying that the

petitioners' were posted not on deputation basis but by transfers. Further, without any orders of cancelling their original transfer orders, respondent Nos.2 and 3 ought not to have treated the petitioners as deputees and issued the present impugned orders. It is further submitted that the impugned relieving orders were issued in a highly arbitrary and hasty manner, without proper service, and even during subsistence of the *status quo* orders of this Court. As such, the subsequent Government Memo dated 04.12.2025 ratifying the impugned action is also contrary to the interim protection granted by this Court.

13. It is further submitted that the reliance placed upon the applicability of the Rules issued in G.O.Ms.No.538 dated 20.11.1998, is misplaced, as the petitioners were promoted to the post of School Assistants in pursuance of the rules issued by the Government in G.O.Ms.No.96 dated 25.07.2005, which provides for appointment of School Assistants to the posts in the SCERT, under in Rule-2, Class-I, Category 19 to 21 therein. Further, para 5(2)(b) of the Presidential Order-2018, provides for transfer or appointment by transfer of a person from any local cadre to any office or establishment to which the said order does not apply. As such, since SCERT, being a State-level institution, is excluded from the purview of the Presidential

Order, appointments by transfer from local cadres are permitted, subject to equitable sharing, and there is no prohibition against such appointments. It is further submitted that the reliance placed by the respondents upon G.O.Ms.No.12 dated 23.01.2009 is also misplaced, as the said *ad hoc* rules govern only teachers working in local body schools, and they do not govern the posts in SCERT, which posts are held by the petitioners. Therefore, learned counsel for the petitioners once again pray this Court to set aside the impugned orders dated 29.11.2025 and 04.12.2025, and to direct the respondents to continue the petitioners in the office of respondent No.3 with all consequential benefits.

14. In support of their case, reliance has been placed upon the following decisions of the Hon'ble Apex Court and the decisions of the Jharkhand High Court:

- i) ***Food Corporation of India v. M/s. Kamadheenu Cattle Feed Industries***⁷
- ii) ***Navjyoti Coop. Group Housing Society and others v. Union of India and others***⁸
- iii) ***Vinod Kumar v. State of Haryana***⁹
- iv) ***Secunderabad Club Etc. v. C.I.T.-V Etc.***¹⁰

⁷ (1993) 1 SCC 71

⁸ (1992) 4 SCC 477

⁹ AIR 2014 SC 33

¹⁰ AIR ONLINE 2023 SC 702

- v) **S.N. Maity v. Union of India**¹¹
- vi) **Amrendra Kumar & Ors. v. Ranchi Regional Development Authority**¹², and
- vii) **Birendra Kumar Sharma v. State of Jharkhand**¹³

15. This Court has taken note of the rival submissions made by learned counsel for the respective parties and perused the material on record.

16. Admittedly, the petitioners in these two writ petitions were initially appointed as Secondary Grade Teachers on 26.10.1998 and 14.08.1998 respectively, in Zilla Parishad Schools at Karimnagar and Adilabad Districts, respectively, which fall under local body management, and were subsequently promoted as School Assistants on 03.03.2006 on 20.10.2002 under the same management. Thereafter, upon considering their own requests, petitioner No.1 was initially deputed as Programme Officer in SCERT vide Memo dated 21.10.2010, while petitioner No.2 was deputed to work in the Adolescence Education Cell of respondent No.3 vide proceedings dated 26.02.2007. Later, by virtue of G.O.Rt.No.813 dated 11.11.2011, petitioner No.1 was posted as School Guidance

¹¹ 2006 (3) AIR JHAR R 526

¹² 2014 (4) AJR 459

¹³ AIRONLINE 2020 JHA 1406

Counselor, and vide G.O.Rt.No.462 dated 08.07.2008, petitioner No.2 was posted as Science Supervisor, both in the office of respondent No.3. Here it is relevant to refer to the aforesaid orders, and the relevant portion is extracted hereunder:

(i) G.O.Rt.No.813 dated 11.11.2011, in respect of petitioner No.1:

"4. Government after careful examination of the matter, hereby decide to appoint by transfer Smt. P. Madhavi, School Assistant (English), who is presently working on deputation as a Programme Officer at SCERT, Hyderabad to the post of School Guidance & Counselor (School Assistant) in the existing vacancy at SCERT, Hyderabad with the condition that "Fair Share Principle" is implemented, i.e. all local units are represented in the process, giving equal opportunities to all Units of Appointment."

(ii) G.O.Rt.No.462 dated 08.07.2008, in respect of petitioner No.2:

" In the circumstances reported by the Director of School Education, Hyderabad in his letter 4th read above, Government after careful examination of the matter, hereby accord permission to the Director of School Education, Hyderabad, to post Smt. A. Uma Rani, School Asst., Z.P.S.S. (Girls), Ramakrishnapur, Mandamarri Mandal, Adilabad District, presently working on deputation in SCERT in Adolescence Education, as Science Supervisor in the office of the Director, SCERT, Hyderabad, in the existing vacancy."

17. From a bare reading of the above, it is clear that the petitioners, who were employees of local body (Zilla Parishad) schools have been posted in the office of respondent No.3, which is a state-level institution as per the Presidential Order-1975, on a Fair Share Principle basis, and upon the strength of these orders, the petitioners claim that their services were no longer utilized on deputation basis,

rather they were converted into regular appointments by way of transfer.

18. To substantiate their claim, the petitioners heavily relied upon the Special Rules/Rules for the Andhra Pradesh School Educational Subordinate Service (unified service rules for teachers working in the Government and Panchayat Raj Institutions), issued by the erstwhile Government of Andhra Pradesh under G.O.Ms.No.538 dated 20.11.1998 as well as the Special Rules for the Andhra Pradesh School Educational Subordinate Service issued subsequently vide G.O.Ms.No.96 dated 25.07.2005, both of which, admittedly, included a provision for transfer of local body school teachers to the state-level institutions, such as SCERT. However, the aforesaid Rules issued under G.O.Ms.No.538 were assailed before the Division Bench of this Court in **M. Kesavulu** (supra), and the Division Bench vide judgment dated 18.11.2003 had set aside the said Rules. The following is the relevant portion of the said decision:

24. Therefore, from a reading of the aforesaid provisions, it is clear that the educational institutions under the management and control of the Mandal Praja Parishads and Zilla Praja Parishads are treated on different par though they are expected to follow the provisions of the Act, but yet, their management and control lies in the hands of Mandal Praja Parishads and Zilla Praja Parishads as the case maybe. The Government is obliged to release the grant-in-aid to the institutions under the local authorities in accordance with the provisions referred to above. Even when the Government takes over the institutions run by the local authorities or Mandal Praja Parishads or Zilla Praja Parishads,

the teachers and other employees subject to their option become the employees of the Government and *vice versa* also in case of Government institutions when taken over by the local authority, the employees of such institutions become the employees of the Zilla Parishads subject to their option.

25. Therefore, a clear cut distinction is being maintained there. The teachers and other employees employed in the Educational Institutions maintained and controlled by the Z.P.Ps. and M.P.Ps. are in a separate slot.

...

94. In a similar identical situation, the Supreme Court had to decide another case reported in *V. Jagannaatha Rao v. State of A.P.*, (2001) 10 SCC 401, held thus:

“(3) *Organisation of local cadre* - (1) The State Government shall, within a period of twelve months from the commencement of this order, organize classes of posts in the civil services of, and classes of civil posts under the State into different local cadres for different parts of the State to the extent, and in the manner, hereinafter provided.

(2) The posts belonging to the category of Lower Division Clerk, and to each of the other categories equivalent to, or lower than that of a Lower Division Clerk, in each department in each District shall be organized into a separate cadre.

Explanation:—For the purposes of this sub-paragraph, sub-paragraph (1) of Paragraph 6, and sub-paragraph (1) of Paragraph 8, a category shall be deemed to be equivalent to or lower than that of Lower Division Clerk, if the minimum of the scale of pay of a post belonging to that category or, where the post carries a fixed pay, such fixed pay, is equal to or lower than the minimum of the scale of pay of a Lower Division Clerk.

(3) The posts belonging to each non-gazetted category other than those referred to in sub-paragraph (2), in each department in each zone shall be organised into a separate cadre.

(4) The posts belonging to each specified Gazetted category in each department in each zone shall be organised into a separate cadre.

(5) Notwithstanding anything contained in sub-paragraphs (3) and (4), the State Government may, where it considers it expedient so to do and with approval of the Central Government, organize the posts belonging to any of the categories referred to therein, in any

department, or any establishment thereof, in two or more continuous zones into a single cadre.

(6).....

(7) in organizing a separate cadre in respect of any category of posts in any department for any part of the State, nothing in this order shall be deemed to prevent the State Government from organizing or continuing more than one cadre in respect of such category in such department for such part of the State.

(8) Where the Central Government is satisfied that, it is not practicable or expedient to organize local cadres under this paragraph in respect of any non-gazetted category of posts in any department, it may, by notification, make a declaration, to that effect and on such declaration, the provisions of this paragraph shall not apply to such category of posts.

4.....

5. *Local cadres and transfer of persons:*—(1) Each part of the State, for which a local cadre has been organised in respect of any category of posts, shall be a separate unit for purposes of recruitment, appointment, discharge, seniority, promotion and transfer, and such other matters as may be specified by the State Government, in respect of that category of post.

(2) Nothing in this order shall prevent the State Government from making provisions for:

- (a) the transfer of a person from any local cadre to any office or establishment to which this order does not apply, or *vice-versa*;
- (b) the transfer of a person from a local cadre comprising posts in any office or establishment exercising territorial jurisdiction over a part of the State to any other local cadre comprising posts in such part, or *vice-versa*; and
- (c) the transfer of a person from one local cadre to another local cadre where no qualified or suitable person is available in the latter cadre or where such transfer is otherwise considered necessary in the public interest."

While tracing the object of Article 371-D of the Constitution of India, the Supreme Court observed thus:

"11. The object of enacting Article 371-D appears to be two-fold:

- (1) To promote equal development of the backward areas of the State of Andhra Pradesh, so far as to secure balanced development of the State as a whole.
- (2) To provide equitable opportunities to different areas of the State in the matter of education, employment and career prospects in public service.

(12) This was observed to be so in *Chief Justice of Andhra Pradesh v. L.V.A. Dikshitulu* ((1979) 2 SCC 34 : AIR 1979 SC 193).

13. It is to be noted that Para 5(1) of the Presidential Order is in terms of Para 3(3) thereof. Para 3(3) postulates that each department in each zone shall be organised into a separate cadre. Para 5(1) speaks of separate unit for purposes of recruitment, appointment, discharge, seniority, promotion and transfer and such other matters as may be specified by the State Government in respect of the category of posts and each part of the State for which local cadre has been organised in respect of any category of posts is required to have a separate unit for the aforesaid purposes. Para 5(2) is in the nature of an enabling provision which authorizes the State Government to make provisions for transfer in certain specified circumstances. The present dispute relates to Para 5(2)(c). It speaks of a "transfer". Attempt of the appellants is to give enlarged meaning to the expression to include promotional aspects. It has been contended in that context that though Para 5(1) treats promotion and transfer separately, yet that distinction would not be applicable to cases covered by Para 5(2). The contention is clearly untenable."

Interpreting the words transfer in Para 5(2)(c) of the Presidential Order, the Supreme Court held that it does not take in the promotion, the Supreme Court observed in Para 18 as follows:

"18. We find that Para 5(2) of the Presidential Order speaks of transfer and not of promotion. It would be hazardous to accept the contention of the appellants that promotion is included in the expression 'transfer' and no assistance can be availed from the distinction made in Para 5(1) of the Order. No provisions or word in a statute has to be read in isolation. In fact, the statute has to be read as a whole. A statute is an edict of the Legislature. It cannot be said that without any purpose the distinction was made in Para 5(1) between transfer and promotion and such distinction was not intended to be operative in Para 5(2).

The intention of the Legislature is primarily to be gathered from the language used, which means that attention should be paid as to what has been said as also to what has not been said. See *Mohd. Ali Khan v. Commissioner of Wealth Tax, New Delhi*, (1997) 3 SCC 511 : AIR 1997 SC 1165 and *Institute of Chartered Accountants of India v.*

Price Water House, (1997) 6 SCC 312 : AIR 1998 SC 74. As a consequence a construction which requires for its support addition or substitution of words or which resorts for rejection of words as meaningless has to be avoided. As stated by the Privy Council in *Robert Wigram Crawford v. Richard Spooner*, 1846 (6) Moore PC 1. "We cannot aid the Legislature's defective phrasing of an Act, we cannot add or mend and, by construction make deficiencies which are left there". The aforesaid decision was referred to by this Court in *State of Gujarat v. Dilipbhai Nathjibhai Patel*, JT 1998 (2) SC 253. It is contrary to all rules of construction to read words into an Act unless it is absolutely necessary to do so. (See *Stock v. Frank Jones (Tiptan) Ltd.*, 1978 (1) All. ER 948 (HL). Similarly, it is wrong and dangerous to proceed by substituting some other words for words of the statute. (See *Pinner v. Everett*, 1969 (3) All. ER 257. In other words, there should be no attempt to substitute or paraphrase of general application. Attention should be confined to what is necessary for deciding a particular case. Much trouble is made by substituting other phrases assumed to be equivalent, which then are reasoned from as if they were in the Act. In *Union of India v. Deoki Nandan Aggarwal*, 1992 Supp (1) SCC 323 : AIR 1992 SC 96, it was observed that the Court cannot refrain the Legislature for the very good reason that it has no power to legislate. It is incumbent on the Court to avoid the construction if reasonably permissible on the language which would render a part of the statute devoid of any meaning or application. In the interpretation of statutes, the Courts always presume that the Legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have an effect."

...

99. Under those circumstances, we are of the considered view that G.O.Ms. No. 538 is not sustainable in law and the same is liable to be set aside. So also the G.O.Ms. No. 505, so far as it seeks to embrace the posts in Education Department for which the local cadre has been organized in G.O.Ms. No. 529, dated 14.5.1976 viz., in respect of the Deputy Inspector of Schools, Headmaster and Educational Officers, the posts of Gazetted Headmasters, and Head Mistresses, and also Gazetted Head Masters, Headmistresses Grade-II, in Government High Schools is declared as illegal and invalid."

19. Likewise, the Special Rules for Andhra Pradesh School Educational Subordinate Service issued under G.O.Ms.No.96 dated 25.07.2005, were also struck down by the Division Bench of this

Court in **P. Vema Reddy** (supra) vide order dated 28.02.2007, holding the treatment of teachers in Government and local body (Mandal and Zilla Parishad) Schools as a unified cadre, and a common unit of appointment, etc., as unconstitutional. The relevant portion of the said decision is extracted hereunder:

"19. The object of organizing different local cadres for different parts of the State is clear from Paragraphs 4 and 5 of the Presidential Order. Under Para 4(1) persons holding posts, required to be organized into local cadres, were to be allotted to such cadres by the State Government in accordance with the principle and procedure specified in the Presidential Order. Under Para 5(1) each part of the State, for which a local cadre has been organized in respect of any categories of posts, shall be a separate unit for purposes of recruitment, appointment, seniority, promotion, transfer etc. Once a local cadre was organized under Para 3(1) each part of the State, for which such a local cadre was organized, was required to be treated as a separate unit and it is only from amongst persons allotted hereto was promotions to be effected and their seniority determined. In view of Para 5(1), a local cadre is a distinct and separate unit and for matters prescribed therein, persons who do not belong to the said local cadre or those who belong to other local cadres cannot form part thereof. It is for this reason that, both in *S. Prakasha Rao v. Commissioner of Commercial Taxes*, (1990) 2 SCC 259 : AIR 1990 SC 997 and in *M. Kesavulu's case* (supra), the Supreme Court and the Division Bench of this Court held that a local cadre, once organized, cannot be meddled with.

81. W.P. No. 17548 of 2006 filed by the Government of A.P. and W.P. No. 17628 of 2006 filed by the State Teacher Unions are dismissed and W.P. Nos. 18666, 19459, 23362 of 2006 are allowed. W.P. Nos. 17051, 17076 and 16771 of 2006 are filed by teachers working in Government schools questioning the orders transferring them to Zilla Parishad Schools. Since the petitioners therein, teachers working in Government Schools, belong to a local cadre which is a separate unit for the purpose of appointment, seniority, promotion, transfer etc., their transfer to the services of a local authority which has not been, and cannot be, organized into a local cadre is illegal. Consequently all these three writ petitions are also allowed."

20. In the above referred two judgments, it has categorically been held that the integration of teachers working in local bodies with the teachers working in Government schools is unconstitutional, and the same was also affirmed by the Hon'ble Apex Court.

21. Ultimately, the Government issued G.O.Ms.No.12 dated 23.01.2009, framing *ad hoc* service rules in respect of the local body (Mandal Prajaparishad and Zilla Prajaparishad) teachers. However, these *ad hoc* Rules do not contain any provision that authorizes absorption of local body teachers into state-level institution, such as SCERT, as a matter of right or permanent absorption.

22. From the above, it is clear that by the time the petitioners were posted in the office of respondent No.3, the very statutory sources under G.O.Ms.No.538 dated 20.11.1998 and G.O.Ms.No.96 dated 25.07.2005, which could have been invoked to justify their posting as regular appointment, were struck down by the Division Benches this Court on 18.09.2003 and 28.02.2007 respectively, i.e., much prior to the issuance of G.O.Ms.No.813 dated 11.11.2011 and G.O.Ms.No.462 dated 08.07.2008. No other enabling provision exists, in the subsequent Rules issued under G.O.Ms.No.12 dated 23.01.2009, for transfer of local body school teachers into SCERT. Further, from a

bare perusal of the petitioners' posting orders vide G.O.Ms.Nos.813 and 462, it is clear that they were posted in SCERT in implementation of the 'Fair Share Principle', which clearly indicates rotation and equitable opportunity, but not permanent absorption. As such, the mere usage of 'appointment by transfer' clause in petitioner No.1's transfer G.O. also cannot supersede the absence of a statutory provision for regular appointment. Hence, in the absence of any statutory enabling provision, the petitioners cannot claim their posting in office of respondent No.3 as a regular one. Therefore, the further contention of the petitioners that the respondents have hastily issued the impugned orders, cannot be countenanced, as the same were issued in pursuance of the earlier Government Memos dated 23.01.2024 and 25.01.2024, and the subsequent Memo dated 04.12.2025, ratifying the said orders also cannot be found fault with.

23. In view of the above, this Court is of the considered opinion that the petitioners' postings in SCERT cannot be construed as regular appointments, since they were *void ab initio* and contrary to law. As such, their continuation, regardless of the length of their tenure, is legally unsustainable and impermissible. At best, their postings can be treated as deputation/tenure-based arrangements.

24. The Hon'ble Apex Court has been consistently holding that even a prolonged length of service does not convert a deputation into regular appointment, and the deputees would not acquire a right to be absorbed in the borrowing department merely because they have rendered their services for several years. In **P.K. Bhatnagar** (supra), the Hon'ble Apex Court held that an employee, when on deputation, cannot claim to be a regular employee in the deputed organization or place of work. The following is the relevant excerpt of the said decision.

11. In our opinion, Respondent 1 cannot, by reason of any attitude adopted by the State Government, claim to continue in service with the appellant. The records of the case clearly show that Respondent 1 at all material times was on deputation with the appellant. The State Government had sent Respondent 1 on deputation to the appellant and also passed the order of repatriation on the basis that Respondent 1 was an employee of the State Government. If the State Government desires to take any other stand at this stage that would have to be decided in the proceedings other than these. For the purposes of this case we have no hesitation in holding that Respondent 1 was the State Government's employee and was sent on deputation to the appellant. Now that the repatriation order has been passed by the State Government, Respondent 1 cannot claim to be in service with the appellant. The mere fact that he has spent several years in service of the appellant will not alter Respondent 1's position from that of a deputationist to a regular employee. (See *State of Punjab v. Inder Singh* [(1997) 8 SCC 372 : 1998 SCC (L&S) 34] .) In the circumstances of the case, the appeal is allowed and the decision of the High Court is set aside. The State Government shall give effect to the orders passed by the State Government as well as by the appellant on 18-1-1994, 14-9-1994 and 29-1-1993.

25. In **Phani Bhusan Kundu** (supra), the Hon'ble Apex Court held as under:

"8. In our opinion, the view expressed by the CAT, and upheld by the High Court, is contrary to the law and is unsustainable. The scope and meaning of the word 'deputation' in service law was explained by this Court in *State of Punjab and others v.INDER Singh and Others*, means service outside the cadre or outside the parent department, that is, in another department on a temporary basis. After the expiry of the period of deputation, such an employee reverts to his parent department to occupy the same position unless, in the meanwhile, he earned a promotion in his parent department as per recruitment rules. The deputees does not become a regular employee in the borrowed service/department. The deputees lien on the post in the parent department continues. Deputation does not result in absorption in the borrowed department/service.

9. The expression "appointment on deputation" and "transfer on deputation" may be different, but this does not mean that any vested right would accrue to respondent no. 1, Phani Bhusan Kundu, unless he is absorbed in the borrowing department/service.

...

15. In view of the aforesaid position, the impugned judgment is set aside and the appeal is allowed. Resultantly O.A. No. 350/01256 of 2014 preferred by respondent no. 1, Phani Bhusan Kundu, will be treated as dismissed. However, respondent no. 1, Phani Bhusan Kundu, will continue to get his pension as payable under the WB Pension Rules."

26. In view of the above, since the petitioners' postings in the office of respondent No.3 are not on regular basis, but are deputation/tenure based arrangements, the further contention of the petitioners that, having rendered more than (14) and (17) years of services, respectively, in the office of respondent No.3, they have a legitimate expectation for continuation, also cannot be countenanced.

27. Further, it is to be noted that deputation cannot be continued indefinitely. As per G.O.(P).No.10 dated 22.01.1993, the period of deputation is restricted to three years, extendable for a further period of two years. However, in the instant case, the petitioners have been discharging their services in the office of respondent No.3 for over a decade, which is totally impermissible under law.

28. The other contention of the petitioners is that during bifurcation, they were allotted to the State of Telangana, and were posted in the office of respondent No.3. However, from a perusal of the proceedings in Rc.No.187/F1-2/2014 dated 01.06.2014 and Proc.Rc.No.1/A/SCERT/TS/2014 dated 02.06.2014, it is clear that the said allotments and postings were only provisional in nature, and there is a clear indication in the said proceedings that the final allocation of employees would be made at the appropriate times, as per the guidelines issued by the Government. Therefore, the aforesaid contention of the petitioners also cannot be accepted. Further, though the petitioners also relied upon certain Government orders, viz., G.O.Ms.Nos.241 and 245, both dated 01.06.2014, no material has been placed before this Court to demonstrate their claim. As such, this Court is not inclined to express an opinion on the same.

29. In the light of the above made discussion, the decisions relied upon by the petitioners are distinguishable on facts and are inapplicable to the present case.

30. In view of the above, this Court does not find any infirmities in the impugned repatriation and reliving orders dated 24.11.2025 and 29.11.2025, respectively, and therefore, the writ petitions are devoid of merit and are liable to be dismissed.

31. Accordingly, the Writ Petitions are dismissed.

Miscellaneous applications, if any, pending in these writ petitions, shall stand closed. No costs.

SD/- A.S REENIVASA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

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2. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana, at Hyderabad. [OUT]
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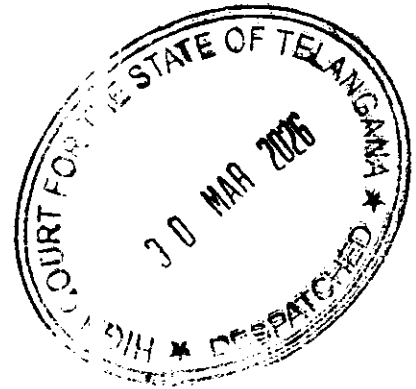
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HIGH COURT

DATED:26/03/2026

COMMON ORDER

WP.Nos.36885 AND 36889 of 2025



**DISMISSING THE WRIT PETITIONS
WITHOUT COSTS**

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