

**HIGH COURT FOR THE STATE OF TELANGANA**

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**WRIT PETITION NO.21647 OF 2017**

Between :

P.Srinivasa Rao s/o. late Sri P.Kotaiah,  
Aged 51 years, Administrative Officer,  
O/o.DIEo, Rajanna Sircilla.

...Petitioner

and

The State of Telangana,  
Rep.by its Principal Secretary,  
Higher Education (IE) Department,  
Secretariat, Hyderabad and another.

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 08.11.2023

**HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

1. Whether Reporters of Local Newspapers : No  
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : **Yes**  
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : No  
see the fair copy of the Judgment ?

**\*HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

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.... Respondents

!Counsel for the Petitioner

: Sri K.Rama Subba Rao

Counsel for the Respondents

: Govt.Pleader for Services-I  
for respondent nos.1 & 2

<Gist :

>Head Note:

? Cases referred:

(2001) 10 SCC 401:AIR 2002 SC 77  
AIR 1988 SC 1033: 1988 (Supp) SCC 519  
(1989 4 SCC 635  
1999 SCC Online AP 815

**HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

**WRIT PETITION NO. 21647 OF 2017**

**ORDER:**

This writ petition has been filed by the petitioner for the following relief:

“....to declare the action of the respondent No.1 in not taking any decision on the proposal submitted by the respondent No.2 *vide* Lr. Rc. No. Ser.II-1/2259/2009, dated 18.11.2016 for amending the A.P. Intermediate Education Service Rules issued in G.O.Ms.No.302 (IE.I) Department, dated 30.12.1993 as illegal, arbitrary and violation of Articles 14 and 16 of the Constitution of India and consequently direct the respondent No.1 to take appropriate decision on the proposal submitted by the respondent No.2 forthwith”.

2. Heard Sri K.Rama Subba Rao, learned counsel for the petitioner, learned Government Pleader for Services-I for respondent nos.1 and 2.

3. The case of the petitioner is that he was appointed as Typist in the year 1990 by way of direct recruitment through Andhra Pradesh Public Service Commission and his services were regularized and was promoted as Senior Assistant in the year 1997. Subsequently, the petitioner was promoted as

Superintendent in the year 2008 and thereafter, got promotion as Administrative Officer in the year 2013.

4. That the post of Administrative Officer is governed by category 6 of A.P. Intermediate Education Service Rules, 1993 and the said posts exist in the offices of Regional Joint Directors and District Intermediate Education Officers (for short, 'DIEO') in the districts. It is averred that the promotional channel is created only for the Administrative Officers working in Regional Joint Directors in the Zones and there is no channel of promotion for the Administrative Officers working in the DIEO Offices.

5. The petitioner submitted a representation on 11.05.2016 to the Government through its Association seeking appropriate amendments to the A.P. Intermediate Service Rules to create promotion channel for A.Os for promotion at the offices of DIEO/Deputy Director (Admn). Accordingly, respondent No.1 sought for a detailed report vide its Memo No.3434/IE/A1/2016 dated 03.06.2016 from the respondent No.2. The respondent No.2 submitted proposal to the respondent No.1 *vide* Lr.Rc.No. Ser.II-1/2259/2009, dated 18.11.2016 for amendment of A.P.Intermediate Education Service Rules. However, the

respondent No.1 has not taken any decision on the said proposal.

6. The respondent No.2 filed counter and did not dispute the factual aspects. In paragraph No.7 of counter it is specifically stated that no promotion channel is available for the post of Administrative Officer working in office of the District Vocational Education Officer, which is now designated as District Intermediate Education Officer. Hence, there was stagnation in the post of Administrative Officer in the Districts.

7. In paragraph No.8 of the counter, respondent No.2 further stated that:

“8. The non-teaching staff Associations also represented to rectify this anomaly. Hence, after examining the matter, proposals have been furnished to Government vide CIE's Letter, dated 18.11.2016 for creation of promotion channel for the post of Administrative Officer working in O/o District Intermediate Education Officer to the post of Deputy Director (Admin) in O/o C.I.E.T.S, Hyderabad, duly Incorporating a clause of passing of the Departmental tests (a) Accounts Test for Sub-ordinate Officers Part-1&11, or Accounts Test for Executive Officers for the post of Administrative Officer/Dy.D.V.E.O and to make necessary amendment to Intermediate Education Service Rules issued in G.O.Ms.No.302, Education Department, dated. 30.12.1993”.

8. The respondent No.2 further contended that a letter dated 18.11.2016 was sent for creation of promotion channel for the post of Administrative Officer working in the DIEO to the post of Deputy Director (Admn.) duly incorporating a clause of passing

of the Departmental tests (a) Accounts Test for Sub-ordinate Officers Part-I & II, or Accounts Test for Executive Officers for the post of Administrative Officer/Dy. D.V.E.O., for which necessary amendment to Intermediate Education Service Rules issued in G.O.Ms.No.302, Education Department dated 30.12.1993. It is lastly contended that Government is competent authority for amendment of service rules and the same is under consideration by Government.

9. The learned counsel for the petitioner submitted that representation was given on 11.05.2016 and the same was forwarded by the respondent No.2 on 18.11.2016 to the Government for necessary amendment to the Intermediate Education Service Rules so as to create channel for the posts of Administrative Officer in DIEO Offices. However, despite lapse of more than seven years the proposal recommended by the respondent No.2 is pending with the Government for consideration and no action has been taken till date. The Administrative Officers working in DEO Office are discharging similar duties that of Administrative Officers working in the office of Regional Joint Directors and therefore, they cannot be deprived of their promotion and that the petitioner is on the same footing and he is otherwise eligible for promotion.

10. In **V.Jagannadha Rao v. State of A.P.**,<sup>1</sup> the Hon'ble Apex Court to avoid discontentment among employees, indicated the need to create promotional avenues for every service, which would be in the interest of the administration, in the following manner:

“... It would be in the interest of the administration to have a channel of promotion for every service, so as to avoid stagnation at a particular level, subject however to the condition that the incumbents of a service are otherwise qualified to shoulder the responsibilities of the higher promotional post. The appropriate authority of the Government, therefore, should bear this in mind and consider the feasibility and desirability of continuing the supernumerary posts already created in the Boilers and Factories Department on a permanent basis, so that the employees from the lower echelon in the said department have a promotional channel or, to make suitable promotional avenue at least upto some level, so that there would not be any discontentment amongst the employees in the concerned department.”

11. In **Raghunath Prasad Singh Vs. Secretary Home (Police) Department, Government of Bihar**<sup>2</sup>, the Hon'ble Supreme Court observed thus:

“4..... Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of

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<sup>1</sup> (2001) 10 SCC 401: AIR 2002 SC 77

<sup>2</sup> AIR 1988 SC 1033: 1988 (Supp) SCC 519

promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly....”

12. In **Council of Scientific and Industrial Research v. K.G.S.Bhatt**<sup>3</sup>, the Hon’ble Supreme Court again observed (at Paragraph-9 of the report) thus:

“9..... He was, however, left without opportunity for promotion for about twenty years. This is indeed a sad commentary on the appellant's management. It is often said and indeed, adroitly, an organisation public or private does not ‘hire a hand’ but engages or employs a whole man. The person is recruited by an organisation not just for a job, but for a whole career. One must, therefore, be given an opportunity to advance. This is the oldest and most important feature of the free enterprise system. The opportunity for advancement is a requirement for progress of any organisation. It is an incentive for personnel development as well. (See. Principles of Personnel Management by Flipo Edwin B4th Ed. P. 246). Every management must provide realistic opportunities for promising employees to move upward. “The organisation that fails to develop a satisfactory procedure for promotion is bound to pay a severe penalty in terms of administrative costs, misallocation of personnel, low moral, and ineffectual performance, among both non-managerial employees and their supervisors.’ (See. Personnel Management by Dr. *Udai Pareek* P. 277). There cannot be any modern management much less any career planning, manpower development, management development *etc.*, which is not related to a system of promotions. (See: Management of Personnel in Indian Enterprises by Prof. *N.N. Chatterjee*, Chap. 12, P. 128).”

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<sup>3</sup> (1989 4 SCC 635



13. In **M.N.Bhangay vs. Jawaharlal Nehru Technological University, Hyderabad and others**<sup>4</sup>, the Division Bench of composite Hon'ble High Court of Andhra Pradesh, held as under:

“18. We have noticed from clause (1) of Statute 14, referred to above, that the Academic and Administrative Services comprise of not only top posts but also several middle rung posts. In our considered opinion, denial of promotions even to those middle order posts will certainly lead to stagnation and frustration, which in turn affects the efficiency in the services. This should be avoided in the interest of the 1st respondent-University.”

14. The learned Government Pleader for Services-I represented that the proposal recommended by the respondent No.2 is pending with the Government for its consideration.

15. Taking into consideration the facts and submissions made on behalf of the learned counsel for the petitioner as well as learned Asst. Government Pleader and also the observations made by the Hon'ble Supreme Court in **V.Jagannadha Rao** (*supra*), **Raghunath Prasad Singh** (*supra*), **K.G.S.Bhatt** (*supra*) and also **M.N.Bhangay** (*supra*), this Court is of the considered view that the petitioner cannot be discriminated for promotion as the petitioner is in the same cadre and discharging the same

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<sup>4</sup> 1999 SCC Online AP 815

duties as that of Administrative Officers working in the Office of Regional Joint Directors at the Regional Joint Director Office.

16. It is not in dispute that the post of Administrative Officer is governed by category 6 of A.P. Intermediate Education Service Rules, 1993 and the said posts exist in the offices of Regional Joint Directors and District Intermediate Education Officers (for short, 'DIEO') in the districts. It is contended that the Administrative Officers working in Regional Joint Directors Office and the DIEOs are of same cadre and are discharging similar duties with that of the Administrative Officer working in DEO Office cannot be deprived of their promotion. It is relevant to mention that no promotion channel is available for the post of Administrative officer working in office of District Vocational Education Officer now re-designated as District Intermediate Education Officer. Hence, there was stagnation in the post of Administrative Officer, O/o. DIEO's in the State.

17. Further, it is relevant to note that the 2<sup>nd</sup> respondent vide letter dated 18.11.2016 had recommended for creation of promotion channel for the post of Administrative Officer working in office of DIEO Office for the post of Deputy Director (Admn.).

18. Therefore, in the above facts and circumstances, the Writ Petition is disposed of and the respondent No.1 is directed to consider the Letter *vide* Lr.Rc.No.Ser.II-1/2259/2009, dated 18.11.2016 submitted by the respondent No.2 for amendment of A.P. Intermediate Education Service Rules and pass appropriate orders by assigning reasons, as expeditiously as possible, within an outer limit of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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**LAXMI NARAYANA ALISHETTY, J**

Date: 08.11.2023  
Skj/kkm

**HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

**WRIT PETITION NO.21647 OF 2017**

**Date: 08.11.2023**

*Skj/kkm*