IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

I.A.No.1 OF 2024
IN/AND
WRIT APPEAL NO: 1175 OF 2024

Common Cause title

Writ Appeal under clause 15 of the Letters Patent against the order dated 19/04/2023 in W.P.No.16813 of 2010 on the file of the High Court.

Between:

1. The Prl. Secretary, School Education Department, Government of Telangana.
2. The Commissioner Director School Education, Government of Telangana
3. The District Educational Officer, Mahbubnagar

...PETITIONERS/APPELLANTS

AND

1. Smt. H. Jayasree, W/o M. Raja Ram, Age 45 years, Occ Teacher (Hindi Pandit) R/o H. No. 1- 6- 40/7/E, Paul Saab Gutta, Mahboobnagar.

...RESPONDENTS/WRIT PETITIONER

2. The Modern High School (Aided), Mahabubnagar, Rep. by its Secretary/Correspondent

...RESPONDENT/RESPONDENT No.4 in WP

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 condone the delay of 488 days in preferring the above Writ Appeal against the order dated 19. 04. 2023, passed in W. P. No. 16813 of 2023.

IA NO: 2 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 Suspend the operation of the order passed in W.P. No. 16813 of 2010 dated. 19.04.2023 pending disposal of the above Writ Appeal.

Counsel for the Appellant : GP FOR SERVICES I

Counsel for the Respondent No.1 : SRI S.GIRIMOJI RAO

Counsel for the Respondent No.2 :

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

I.A.No.1 of 2024
IN/AND
WRIT APPEAL No.1175 of 2024

COMMON JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri G. Prasanth, learned Assistant Government Pleader for Services-I, for the appellants and Sri S. Girimoji Rao, learned counsel for respondent No.1/writ petitioner.

2. I.A.No.1 of 2024 is filed seeking to condone the delay of 488 days in filing the appeal.

3. Learned Assistant Government Pleader placed reliance on paragraph No.5 of the I.A. affidavit which assigns the reasons for condonation of delay. The said paragraph No.5 reads thus:

> "5. It is submitted that the Writ Petition was allowed by order dated 19.04.2023, however, we came to know about the order dated 13.07.2023, immediately an application for seeking certified copy was filed on 03.11.2023, a copy was made ready on 09.11.2023, and was delivered on 13.11.2023, immediately the file was processed has to whether an appeal shall be filed or not and on the competent authority deciding to file an appeal. The appeal has been prepared and the same is being presented. Thus, there is a delay 488 days."

4. Learned counsel for respondent No.1/writ petitioner opposed the prayer by contending that the source of knowledge of impugned order dated 19.04.2023 has not been disclosed. Delay has not been properly explained. Apart from this, it is submitted that the writ petitioner prayed for a relief for granting her benefit of absorption in Grade-II Hindi Pandit with effect from 01.08.2008. The main contention of the writ petitioner that she was subjected to discrimination and step motherly treatment *qua* other employees who were junior to her and subsequently appointed namely Sri Khaja Nizamuddin and Sri K. Balaraju was considered by learned Single Judge and the learned Single Judge rightly opined that the so-called ban on absorption cannot be a ground to deprive the writ petitioner from the fruits of absorption because withstanding such ban, aforesaid two employees were absorbed. For this reason, learned Single Judge rightly granted benefit to the writ petitioner.

5. We have heard on I.A. at length.

6. We find substantial force in the argument of learned counsel for respondent No.1/writ petitioner that the reasons mentioned in paragraph No.5 extracted above are sketchy in nature. Learned Single Judge had passed the impugned order

on 19.04.2023. In paragraph No.5, no reasons are assigned as to how the impugned order came to the knowledge of the Department only on 13.07.2023. In other words, the period between the date of passing of impugned order and the knowledge of the order i.e. 13.07.2023 has not been explained. The source of knowledge of the impugned order is very relevant fact for the purpose of deciding the question of condonation of delay. Thereafter also, the Department has not given sufficient details with accuracy and precision which explains the delay. Thus, in our judgment, 'sufficient cause' is not shown in the I.A.

7. Accordingly, the I.A. is **dismissed**. Consequently, the Writ Appeal is **rejected**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-P. PADMANABHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

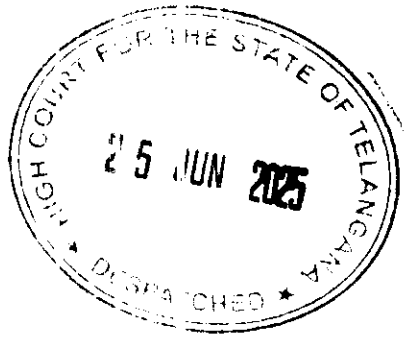
1. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana. [OUT]
2. One CC to SRI S.GIRIMOJI RAO, Advocate. [OPUC]
3. Two CD Copies.

BSK

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HIGH COURT

DATED:10/04/2025



COMMON ORDER

I.A.No.1 OF 2024
IN/AND
WA.No.1175 of 2024

DISMISSING THE WRIT PETITION WITHOUT COSTS

(6) PA 30/5/25