IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 815 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 01/05/2025 in the W.P.No.20797 of 2021. on the file of the High Court.

Between:

Ch. Sayanna, S/o. Chitti Saheb, aged about 58 years, Occ ; Working as Senior Technical Assistant Office of District Legal Metrology Officer, Medchal Malkajgiri District.

AND **.....PETITIONER/APPELLANT**

1. The Controller, Legal Metrology Department, State of Telangana, 209, PWD Buildings, Gandhi Nagar, Hyderabad.
2. The Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, State of Telangna, Secretariate Buildings, Hyderabad.
3. K. Venkateswarlu, S/o. Ramulu, aged about 60 years, Occ. Inspector/District Legal Metrology Officer, Yadadri, Yadadri District.

.....RESPONDENTS/ RESPONDENTS 1 & 2 WRIT PETITIONER

I.A.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 suspend the final order dated 01-05-2025 made in W.P.No.20797 of 2021, pending disposal of the writ appeal.

Counsel for Appellant : SRI K.MURALIDHAR REDDY
Counsel for Respondent Nos.1 & 2 : SMT M.SHALINI, GP FOR SERVICES – II
Counsel for Respondent No.3 : SRI N.SHARATH CHANDRA REDDY, LEARNED COUNSEL APPEARING FOR SRI ARVIND KUMAR KATA
The Court made the following JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No. 815 of 2025

JUDGMENT:

Heard K. Muralidhar Reddy, learned counsel appearing for the appellant, who was respondent No.3 in Writ Petition No.20797 of 2021, Smt. M. Shalini, learned Government Pleader for Services-II appearing for respondent Nos.1 and 2/State and Sri N. Sharath Chandra Reddy, learned counsel appearing for Sri Arvind Kumar Kata, learned counsel for respondent No.3/writ petitioner.

2. B.Sc. (Maths) Degree Certificate issued by Janardan Rai Nagar Rajasthan Vidyapeeth University (Deemed University), Udaipur, Rajasthan, in favour of the appellant was declared invalid in a proceeding No.2002/E/2017 dated 08.11.2020 issued by one Sri V. Anil Kumar, IAS (Retired), Controller, Legal Metrology (FAC), Hyderabad, who was respondent No.1 in the Writ Petition as well as in the present appeal. The appellant being aggrieved thereby preferred an appeal before the State Government. The proceeding dated 08.11.2020 was

kept in abeyance by an interim order dated 02.02.2021 issued by the Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, State of Telangana, Hyderabad, pending action, which was the subject matter of Writ Petition No.20797 of 2021 at the behest of the writ petitioner/respondent No.3 herein. The main ground of challenge was that respondent No.2, Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, State of Telangana, Hyderabad, is the same person who had issued the first proceeding dated 08.11.2020. Therefore, he could not sit in appeal over his own order. The State Government in its counter-affidavit at paragraph Nos.3 and 6 made categorical statements. The said paragraphs are extracted hereunder:

> "3) I further submit that, aggrieved with the above said proceedings Sri CH. Sayanna, STA, has submitted an appeal petition dt:23.12.2020 to the Government, requesting to set-aside the proceedings dt.8.11.2020 of the Controller of Legal Metrology, Hyderabad. In this regard, on the appeal of Sri CH. Sayanna, STA, after obtaining orders in-circulation to the Hon'ble Minister for Civil Supplies; Government have passed the orders keeping the Proceedings No.2002/E/2017, dt.8.11.2020 of the CLM in

abeyance, pending action, vide Govt. Memo.No.1986/CS.I.LM/2020 dt: 02.02.2021.

6) In this connection, I respectfully submit that, as Sri V. Anil Kumar, IAS (Retd), E.O. Secretary to Government, CA, F & CS dept, who is also holding the FAC of the post of Controller of Legal Metrology has issued proceedings dated 8.11.2020 cancelling the entry in the Service Register with regard to the B.Sc Degree acquired by Sri Ch. Sayanna, STA, LM, on the ground of non-recognition of franchisee (Study centre), in the capacity of Controller and Legal Metrology, HoD. Later, the appeal petition of the appellant Sri Ch. Sayanna, STA, LM, has been circulated to the Hon'ble Minister for Civil Supplies and Legal Metrology department for orders and the Hon'ble Minister have considered the request of the appellant. Accordingly, as Ex-Officio Secretary to Govt, CA, F&CS dept., have issued Govt. Memo.No.1986/ CS.I.LM/2020 dt: 2.2.2021 by keeping the CLM Procgs.No.2002/E/2017, dt.8.11.2020 in abeyance, duly complying the orders passed by the Hon'ble Minister in the matter."

3. The learned writ Court, after hearing the learned counsel for the parties, set aside the order dated 02.02.2021, which kept the original proceeding dated 08.11.2020 in abeyance, by holding as under:

"**15. Taking into consideration:-**

a) The aforesaid circumstances

b) The submissions made by the learned counsel appearing on behalf of the petitioner, learned Government Pleader for Services-II appearing on behalf of the respondent Nos.1 & 2 and learned counsel appearing on behalf of the respondent No.3.

c) The contents of the order vide proceedings No.2002/E/2017 of the 1st respondent dated 08.11.2020 (referred to and extracted above)

d) The contents of the impugned order vide Memo No.1986/CS.I-LM/2020 of the 2nd respondent dated 02.02.2021 (referred to and extracted above) in abeyance without recording any reasons or a prima facie opinion

e) The averments made in the counter affidavit filed by the respondent Nos.1 and 2.

f) The averments made in the affidavit filed by the petitioner in support of the present writ petition in particular para Nos. 9 and 10 (referred to and extracted above) and the averments made in para no. 9 of the reply affidavit filed by the petitioner explaining petitioner's locus to file the present writ petition.

g) The interim orders of this Court dated 02.09.2021 passed in favour of the petitioner which are in force as on date

h) The observations of the various Courts in the judgments (referred to and extracted above)

a) 2022 (5) ALD 54
b) AIR 1966 SC Page No 828
c) AIR 1964 SC Page No 685
d) AIR 2001 SC Page No 1739

The Writ Petition is allowed and the impugned memo No. 1986/CS.I-LM/2020, dated 02.02.2021 issued in the capacity of 2nd respondent and signed as V. Anil

Kumar, Ex-officio Secretary to Government is set aside."

4. It appears that the appeal preferred by the appellant herein before the State Government is still pending. The action taken by respondent No.1 *vide* proceeding dated 08.11.2020 is the subject matter of the said appeal. The main proceeding before the State Government in the appeal preferred by the appellant is inchoate. In the midst of such proceedings, the writ proceedings were initiated at the behest of the writ petitioner in which the learned writ Court was persuaded to interfere in the matter. Once the stand of the State Government has been clarified at paras 3 and 6 of their counter-affidavit that respondent No.2 was not the authority who kept the original proceeding dated 08.11.2020 in abeyance, rather, he was only the issuing authority of the order passed by the Minister in-charge of the Department concerned, the matter should have been allowed to rest there with a further direction to ensure that the pending appeal proceedings are concluded within a timeframe. The conclusion of the appeal proceedings would only determine whether the status of B.Sc. (Maths)

Degree Certificate of the appellant herein is valid or not. Consequences arising out of such decision would have followed thereafter. The writ petitioner has unnecessarily approached the writ Court without waiting for the outcome of the appeal proceedings pending before the State Government.

5. In such circumstances, we are inclined to issue following directions while interfering with the order of the learned writ Court as well.

The Department concerned has not been made a party in the Writ Petition. However, respondent No.2, who is the Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, is represented by the learned Government Pleader for Services-II. Let the Consumer Affairs, Food and Civil Supplies Department, State of Telangana, Hyderabad, be impleaded in the writ appeal. The appeal preferred by the appellant herein is to be decided by the State Government as per the delegation of powers under the Rules of executive business. Learned counsel for the State accepts notice on behalf of the newly added respondent.

6. We therefore direct that the appeal preferred by the appellant if pending before the State Department be disposed of within a timeframe of six (6) weeks from the date of receipt of a copy of this order. No action in the meantime would be taken vis-à-vis the claim of service benefits of the appellant on the basis of B.Sc. (Maths) Degree Certificate issued by Janardan Rai Nagar Rajasthan Vidyapeeth University (Deemed University), Udaipur, Rajasthan. Depending upon the outcome of the appeal only, decision on the claim of the appellant for admissible service benefits, like, promotion etc., would be taken by the Department. The appellant, if he is aggrieved by the said decision, may have the remedy to approach the appropriate forum in accordance with law. In case such decision adversely affects the interest of the writ petitioner, he will also have liberty to assail the decision taken by the appellate authority before the appropriate forum in accordance with law. The impugned order is interfered with in the manner indicated hereinabove.

Accordingly, the instant Writ Appeal stands disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-N. SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Controller, Legal Metrology Department, State of Telangana, 209, PWD Buildings, Gandhi Nagar, Hyderabad.
2. The Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, State of Telangna, Secretariate Buildings, Hyderabad.
3. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI K.MURALIDHAR REDDY, Advocate [OPUC]
5. One CC to SRI ARVIND KUMAR KATA, Advocate (OPUC)
6. Two CD Copies

SA
BS

HIGH COURT

DATED:11/08/2025



JUDGMENT

WA.No.815 of 2025

DISPOSING OF THE WRIT APPEAL

WITHOUT COSTS.

(9)

kpr

22/8/25