IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NOS: 1836 AND 1821 OF 2017

W.A.No.1836 of 2017

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 03.11.2017 in W.P.No.15773/2013 on the file of the High Court.

Between:

Dr.Ekambari,, D/o. Sri K.Bheem Rao, Aged 44years, Occ Senior Medical Officer (Gyn and, Obst), APSRTC Hospital, Tarnaka, Hyderabad.

.....APPELLANT/WRIT PETITIONER

AND

1. The Vice-Chairman and Managing Director, APSRTC Bus Bhavan, Musheerabad, Hyderabad.
2. Smt Sailaja Murthy, D/o. not known, Age not known, Occ Senior Medical Officer, APSRTC Hospital, Tarnaka, Hyderabad.

.....RESPONDENTS/RESPONDENTS Nos.1 & 2

I.A.NO:1 OF 2017(WAMP. NO: 3550 OF 2017)

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 circular notification NO. ED/752(1) 2012-FD (Final Seniority List) Dt. 16.04.2013 issued by the 1st respondent pending disposal of the writ appeal.

I.A.NO:1 OF 2018

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 receive the letter, dated: 30-03-2009 for the just decision of the appeal as additional evidence.

Counsel for Appellant : SRI BANKATLAL MANDHANI

Counsel for Respondent No.1 : Ms. D.SAI MAHITHA, LEARNED COUNSEL REPRESENTING SRI R.ANURAG

Counsel for Respondent No.2 : SRI P.V.S.S.S.RAMA RAO

W.A.NO:1821 OF 2017

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 02-11-2017 in WP.No.3396 of 2009. on the file of the High Court.

Between:

Dr. Ekambari, D/o. Sri K.Bheem Rao, Aged about 44 Years, Working as Medical Officer, APS RTC Tarnaka Hospital, Hyderabad.

.....APPELLANT/WRIT PETITIONER

AND

1. The A.P.S.R.T.C., Rep. by Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
2. Dr. D.Seshakumari, W/o. Not known to the Appellant, Aged Major, Retired Senior Medical Officer, Vizianagaram, Vizianagaram District.
3. Smt. Sailaja Murthy, D/o. Not known to the Appellant, Aged Major, Occ ; Senior Medical Officer, APS RTC Hospital, Tarnaka, Hyderabad.

.....RESPONDENTS/RESPONDENTS Nos.1 to 3

Counsel for Appellant : SRI BANKATLAL MANDHANI

Counsel for Respondent No.1 : Ms. D.SAI MAHITHA, LEARNED COUNSEL REPRESENTING SRI R.ANURAG

Counsel for Respondent No.2 : SRI V.NARASIMHA GOUD

Counsel for Respondent No.3 : SRI P.V.S.S.S.RAMA RAO

The Court made the following COMMON JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL Nos.1836 AND 1821 OF 2017

COMMON JUDGMENT:

Heard Sri Bankatlal Mandhani, learned counsel for the appellant, Ms. D.Sai Mahitha, learned counsel representing Sri R.Anurag, learned Standing Counsel for Telangana State Road Transport Corporation (TSRTC)-respondent No.1 and Sri P.Suresh Reddy, learned Senior Counsel appearing for Sri P.V.S.S.S.Rama Rao, learned counsel for respondent No.2 in W.A.No.1836 of 2017 and respondent No.3 in W.A.No.1821 of 2017 and perused the record.

2. The present writ appeals are filed challenging the legality and correctness of the common order dated 03.11.2017 passed in W.P.No.15773 of 2013 and W.P.No.3396 of 2009 by the learned Single Judge whereby the learned Single Judge dismissed the said writ petitions.

3. The challenge of the appellant/writ petitioner in the two writ petitions was to the effect of promotion of respondent No.2-Smt.Sailaja Murthy to the post of Senior Medical Officer by overlooking the seniority of the appellant.

4. The learned Single Judge dismissed the plea of the appellant/writ petitioner by common order dated 03.11.2017 holding *inter alia* that respondent No.2 joined the service of APSRTC as Assistant Medical Officer on 17.02.2000 and the appellant was appointed as Medical Officer on 02.08.2003. The learned Single Judge considering the fact that respondent No.2 was appointed as Assistant Medical Officer prior in point of time to the appointment of the appellant as Medical Officer (both of which posts constituted feeder category to the post of Senior Medical Officer (Specialist)) observed that respondent No.2 being senior was rightly promoted to the post of Senior Medical Officer (Specialist).

5. The learned Single Judge further held that the promotion of respondent No.2 who was senior to the appellant was in accordance with the rules and reservations of the APSRTC and also as per Appendix-A of the Andhra Pradesh State Road Transport Corporation Employees (Recruitment) Regulations, 1966.

6. The learned Single Judge did not find any reason to interfere with the action of the authorities effecting the promotion of respondent No.2 and accordingly dismissed the underlying writ petitions.

7. Learned counsel for the appellant contends that the appellant being a Scheduled Tribe (ST) candidate, was unjustly deprived of her rightful seniority as the roster point No.8, specifically earmarked for ST (Women), was erroneously filled by a general category candidate in the year 2007 instead of being carried forward for the appellant. Further, it is contended that the justification put-forth by the respondents, that adequate representation in the cadre already stood satisfied owing to the appointment of another ST(W) candidate, namely Dr. Suvarnamala, is untenable inasmuch as her appointment was made on open merit and not against a reserved vacancy. Consequently, such an illegality has resulted in the appellant being relegated to roster point No.25, thereby causing her grave prejudice and substantial loss of seniority.

8. Learned counsel for the appellant contends that the appellant being senior to respondent No.2 in service as Medical Officer and also in qualification as per the common law and the principles of natural justice, the seniority is required to be decided from the date of entitlement to said promotion and the learned Singled Judge erred in rejecting the contentions of the appellant solely on the ground that the appellant and respondent No.2 have been promoted as Senior Medical Officer

(Specialist) on the same day i.e., 20.02.2010 and holding that in the regulations in Road Transport Corporations Act, 1950 such specification did not exist.

9. It is also contended by the learned counsel for the appellant that in regard to the promotion for the post of Assistant Medical Officer and Medical Officer, it cannot be based upon number of years in service but has to be considered from the period of service as Medical Officer which the appellant had at the time of promotion. Further, it is contended that the finding of the learned Single Judge in respect of the length of service from feeder category being taken into consideration for effecting the promotion to the post of senior Medical Officer (Specialist) is incorrect and contrary to the preparation of final seniority list of Medical Officers.

10. Learned counsel for the appellant also contends that the learned Single Judge had failed to appreciate the fact that when the roster point regarding ST (W) quota was lying vacant, the endorsement to carry forward the roster point No.8 on 05.11.2004 was improper and on completing of five/six years of service, the appellant ought to have been promoted. The concerned officer of Social Welfare Department failed to promote

the appellant by filling the said post even after completion of the required period by the appellant.

11. It is contended that the learned Single Judge failed to consider the arguments/submissions made in respect of the qualification of respondent No.2-Sailaja Murthy i.e., she does not possess any qualification for promotion as Senior Medical Officer (specialist) as her PG Diploma is not recognized by the Medical Council of India as per Section 11 of the Indian Medical Council Act, 1956 (for short, 'MCI Act') and alleged the promotion orders are illegal.

12. It is also contended that the learned Single Judge failed to observe the Merits Rating Report dated 31.03.2012 of respondent No.2 from 01.04.2011 to 31.03.2012 and has erroneously upheld the promotion of respondent No.2 as Specialist Senior Medical Officer. The Merits Rating Report wherein it was clearly recorded/stated that respondent No.2 lacks skill in the specialization and did not perform any single procedure in the specialization which she has claimed to have pursued and on the basis of which, she has been promoted as specialist Senior Medical Officer.

13. It is also contended that the learned Single Judge erred in holding that R.T.C. Regulations do not require P.G. qualification

recognized by the Medical Council of India, ignoring the amended A.P.S.R.T.C. Employees (Recruitment) Regulations, 1966, which prescribe medical qualifications under the Schedule to the Indian Medical Council Act, 1956 for recruitment to the posts of Senior Medical Officer (Specialist), Medical Officer (Specialist) and Medical Officer (General).

14. We have taken note of the respective contentions urged.

15. The fulcrum of the case of the appellant is the fixation of seniority between the appellant and respondent No.2 in the promotional cadre for the post of Senior Medical Officer, to which both were promoted on the same date i.e., 20.02.2010 and the dispute arose when the appellant, who was senior in the feeder cadre of Medical Officer, as being placed junior to respondent No.2 in the promotional cadre.

16. In regard to the contention of respondent No.2's eligibility for promotion based on a P.G. Diploma from an open University, it is observed that though the MCI Act governs standards of medical education and practice, it does not regulate service conditions or promotional criteria of an autonomous body like the A.P.S.R.T.C., unless incorporated in its regulations.

17. Further, it is pertinent to note that the learned Single Judge has rightly held that eligibility for promotion is governed by the A.P.S.R.T.C. Recruitment Regulations, which at the relevant time, permitted consideration of the said diploma. The Corporation, being bound by its own rules and regulations, acted in accordance therewith, and the appellant, having entered service under the same framework, cannot challenge its applicability to another employee. Therefore, the challenge to respondent No.2's eligibility, based on the provisions of the MCI Act, is untenable.

18. Regarding the issue of determination of seniority where promotions under the rule of reservation were effected on the same day, it is to be noted that the seniority in the promoted cadre is to be reckoned with reference to the order of roster points earmarked for reserved vacancies and not on the basis of seniority in the feeder cadre. In the instant case, roster point No.16 precedes roster point No.25 and accordingly, respondent No.2 having been promoted against the earlier roster point was rightly placed as senior to the appellant.

19. It is also pertinent to note that the learned Single Judge has rightly observed that the R.T.C. Regulations do not provide for carrying forward the seniority of the feeder category in cases

where promotions are made against specific reserved slots, as such, promotions are not general in nature but based on seniority-cum-merit. Therefore, the principle of maintaining feeder-cadre seniority has no application in the present context.

20. On perusal of the record, it is observed that the rule of reservation in promotions took effect on 27.03.2003, and by 30.06.2007, Dr. C. Suvarnamala, belonging to the S.T.(W) category, was already serving in the cadre of Senior Medical Officer, thereby, ensuring adequate representation of the community. Therefore, the appellant's contention that she ought to have been promoted earlier against roster point No. 8 is devoid of merit, and the decision of the Corporation not to carry forward the S.T. (Women) roster point No.8 during 2007 selections stands justified.

21. We have noted that the learned Single Judge rightly held that the selection panel dated 09.02.2010, which constituted the very basis for the promotions and the resultant seniority list, and which had unequivocally placed respondent No.2 at Sl. No. 6 and the appellant at Sl. No. 15 was never assailed by the appellant. Therefore, the attempt to question the consequential seniority list after several years, without challenging the

foundational panel, is clearly an afterthought and barred by delay and laches.

22. In conclusion, this Court is of the view that the promotions were effected in accordance with the reservation policy and the governing service regulations of the Corporation.

23. In the light of the above discussion, this Court is not inclined to interfere with the underlying common order of the learned Single Judge as it does not suffer from any perversity, illegality or error of jurisdiction warranting interference of this Court.

24. Accordingly, the Writ Appeals are dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI BANKATLAL MANDHANI, Advocate [OPUC]
2. One CC to SRI P.V.S.S.S.RAMA RAO, Advocate [OPUC]
3. One CC to SRI V.NARASIMHA GOUD Advocate [OPUC]
4. One CC to SRI R.ANURAG, Advocate (OPUC)
5. Two CD Copies

SA
TKS

HIGH COURT

DATED:19/09/2025



COMMON JUDGMENT

WA.Nos.1836 AND 1821 of 2017

DISMISSING THE WRIT APPEALS

WITHOUT COSTS.

14/10/25