HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 1044 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 03-07-2025 in W.P.No 16236 of 2019 on the file of the High Court.

Between:

R.Komala Rao, S/o. (Late) R.Koteswara Rao, Aged 61 years, Working as Librarian, Nizam's Institute of Medical Sciences (NIMS), Punjagutta, Hyderabad

...APPELLANT

AND

1. Nizam's Institute of Medical Sciences (NIMS), Rep by its Executive Registrar, Punjagutta, Hyderabad
2. The Director, Nizam's Institute of Medical Sciences (NIMS), Punjagutta, Hyderabad.
3. The State of Telangana, rep. by its Principal Secretary Health, Medical and Family Welfare Department, Telangana Secretariat, Hyderabad.

...RESPONDENTS

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 suspend the operation of the Orders passed by the Learned Single Judge in W.P.No.16236/2019 dt.3.7.2025 pending disposal of the above Writ Appeal.

Counsel for the Appellant: SRI P.V.RAMANA
Counsel for the Respondent No.1 & 2: SRI KOYA PRABHAKAR REDDY, SC FOR NIMS
Counsel for the Respondent No.3: SRI S.SATYANARAYANA RAO, GP FOR SERVICES-III
The Court delivered 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.1044 of 2025

JUDGMENT:

Heard Sri P.V.Ramana, learned counsel for the appellant, Sri Koya Prabhakar Reddy, learned Standing Counsel for Nizam's Institute of Medical Sciences (NIMS) appearing for respondent Nos.1 and 2, Sri S.Satyanarayana Rao, learned Government Pleader for Services-III appearing for respondent No.3 and perused the record.

2. This intra-court appeal under Clause 15 of the Letters Patent is directed against the order dated 03.07.2025 passed by the learned Single Judge in W.P.No.16236 of 2019, whereby the writ petition filed by the appellant seeking extension of his age of superannuation to 60/62 years and re-designation as Professor was dismissed.

Factual Background

3. The appellant was appointed as Librarian at Nizam's Institute of Medical Sciences (NIMS) on 18.04.1989. NIMS issued a retirement notice dated 23.10.2018 to the appellant stating that his superannuation date was 31.12.2019

(58 years). The appellant made a representation dated 09.11.2018 seeking re-designation of the post of Librarian as Professor treating the Librarian as teaching staff and for extension of retirement age upto 62 years on par with State/Central Universities. NIMS rejected the representation of the appellant by letter dated 04.01.2019. The appellant superannuated on 31.12.2019 upon attaining the age of 58 years, in accordance with the then prevailing NIMS Regulations.

4. The learned counsel for the appellant contended that:

(i) Librarians in State and Central Universities retire at 60 or 62 years.

(ii) NIMS is a State University and should follow the same practice.

(iii) The appellant should be re-designated as Professor in Library Science as per G.O.Ms.No.35 dated 16.06.2003.

(iv) The duties of the appellant are academic in nature, akin to that of the teaching faculty and the appellant should be treated on par with teaching faculty.

(v) The Hon'ble Supreme Court in the case of ***P.S. Ramamohana Rao v. A.P. Agricultural University*** reported as ***(1997) 8 SCC 350*** held that Physical

Directors are teachers; similarly, Librarians should be treated as teachers.

5. The learned counsel for the respondents supported the impugned order of the learned Single Judge and opposed the claim of the appellant, stating:

(i) NIMS is an autonomous institution governed by its own Act and Regulations.

(ii) The age of superannuation for non-faculty staff like the appellant, is 58 years as per Standing Order No.27.

(iii) The appellant was never under UGC scales; hence, G.O.Ms.No.35 does not apply.

(iv) The appellant's pay and service conditions were always governed by NIMS Non-Faculty Pay Rules, 1997.

6. The learned Single Judge dismissed the writ petition, holding *inter alia* that:

a) NIMS is an autonomous institution with its own service conditions.

b) The appellant was not under UGC scales and hence not entitled to re-designation.

c) The age of superannuation was rightly applied as per NIMS Regulations.

d) The doctrine of estoppel applies as the appellant accepted the terms of service.

Submissions

7. Learned counsel for the appellant reiterated the grounds raised in the writ petition and vehemently contended that the appellant *firstly,* was subjected to discriminatory treatment vis-à-vis librarians in other universities and *secondly,* vis-à-vis the faculty employees of the same institute. The learned counsel for the appellant further contended that since NIMS adopted the pay scales of All India Institute of Medical Sciences (AIIMS), for both faculty and non faculty employees, there should not be any discrimination in the age of superannuation also.

8. The learned counsel for the appellant further contended that the benefit of enhancement of retirement age to 61 years for non-faculty employees by adoption of G.O.Ms.No.45, Finance Department dated 30.03.2021 through the Resolution of the Executive Board dated 31.03.2021 should be made applicable to the appellant also.

9. The learned counsel for the appellant further contended that the nature of duties of a librarian is academic and the

appellant ought to have been given parity with the faculty employees.

10. *Per Contra,* Learned Standing Counsel for NIMS supported the impugned order and submitted that NIMS is not a UGC funded university and that it is governed by its own statute. The learned standing counsel for NIMS contended that the appellant's service conditions are governed by NIMS Rules and not UGC norms. The learned standing counsel further contended that the enhancement of retirement age to 61 years by adoption of G.O.Ms.No.45, Finance Department, dated 30.03.221 through Executive Resolution dated 30.03.2021, is prospective and does not apply retrospectively.

11. The learned standing counsel for NIMS contended that the appellant did not challenge the service Regulations during his service and has filed the Writ Petition No. 16236 of 2019 on 28.07.2019, just five months prior to the date of his superannaution.

Analysis and Reasoning

Autonomy of NIMS and Applicability of UGC Norms

12. NIMS is established under the Nizam's Institute of Medical Sciences Act, 1989. It is an autonomous body with the

power to frame its own service conditions under Regulation 49 of its First Regulations. Although it is recognized under Section 2(f) of the UGC Act, it does not receive UGC grants and is not bound by UGC pay scales or service conditions. The appellant was appointed under and governed by the NIMS Non-Faculty Pay Rules, 1997, and not UGC scales. Therefore, G.O.Ms.No.35, which applies only to UGC-scale employees, has no application to the appellant.

Age of Superannuation

13. The age of superannuation for non-faculty staff at NIMS is 58 years, as per Standing Order No.27. This was explicitly communicated to the appellant at the time of his appointment and reaffirmed in the retirement notice. The appellant did not challenge this regulation during his service tenure. The subsequent resolution dated 31.03.2021, enhancing the retirement age to 61 for non-faculty staff, is prospective and does not apply retrospectively to the appellant, who had already retired in 2019.

Re-designation as Professor

14. The appellant's claim for re-designation as Professor under G.O.Ms.No.35, Higher Education Department, dated

16.06.2003 is untenable as the appellant was not drawing UGC pay scales. The said G.O. applies only to library professionals who are under UGC scales. The appellant's pay was always fixed under NIMS Rules, and the appellant never held a UGC-scale post.

Discrimination and Parity with Other Universities

15. The appellant's claim of discrimination is misconceived. NIMS is a distinct institution with its own service conditions. The fact that librarians in other universities retire at 60 or 62 years is irrelevant, as those universities are governed by different statutes and service rules. The appellant failed to demonstrate that NIMS is obligated to follow the service conditions of other universities.

Nature of Duties and Status as Teacher

16. The appellant relied on the case of ***P.S. Ramamohana Rao*** *(supra)* to argue that librarians should be treated as teachers. However, that case pertained to Physical Directors in an agricultural university, where the nature of duties included imparting instruction and guiding students. In contrast, the duties of a librarian at NIMS, as described in the counter-affidavit, are primarily administrative and supportive, not

instructional. The definition of 'teacher' under the NIMS Act does not include librarians. Hence, the appellant cannot be equated with teaching faculty.

Doctrine of Estoppel

17. The appellant accepted the terms of employment, including the age of superannuation of 58 years, without protest during his entire service. He approached the court only at the fag end of his career, just about 5 months prior to the date of his superannuation. This conduct attracts the doctrine of *estoppel*, as the appellant cannot seek to unsettle settled conditions of service, at the very end of his tenure.

Prospective Enhancement of Retirement Age

18. The resolution dated 31.03.2021 enhancing the retirement age to 61 for non-faculty staff is expressly prospective. It does not confer any right on the appellant, who had already retired in 2019.

19. For the foregoing reasons, we find no merit in the appeal. The learned Single Judge rightly dismissed the writ petition after a detailed and reasoned analysis. The appellant failed to establish any legal right to extension of retirement age or

re-designation. The writ appeal is devoid of merit and is liable to be dismissed.

20. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

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

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI P.V.RAMANA, Advocate [OPUC]
2. One CC to SRI KOYA PRABHAKAR REDDY, SC FOR NIMS [OPUC]
3. Two CCs to GP FOR SERVICES-III, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR
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HIGH COURT

DATED: 22/09/2025

JUDGMENT

WA.No.1044 of 2025



DISMISSING THE WRIT APPEAL,

WITHOUT COSTS

(7)

kpr

27/10/25