HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTEENTH DAY OF DECEMBER
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: 1461 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the order dated 31/10/2025 in WP No 4862 of 2011 on the file of the High Court.

Between:

Fairooz Fatima, W/o. Mohd Ismail Khan, Aged about 48 years, Occ Attender working at Mumtaz College (A minority aided Institution), Malakpet, R/o. H.No. C-297, Vanasthalipuram, Secretariat Colony, Hyderabad.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary for Higher Education Department (CE-2), Secretariat, Hyderabad.
2. The State of Telangana, Rep. by its Secretary, Finance and Planning Department, Secretariat, Hyderabad.
3. The Collegiate Education, State of Telangana, Nampally, Hyderabad, Rep. by Commissioner/Director
4. The Secretary & Correspondent, Mumtaz College, (A Minority Institution), Malakpet, Hyderabad.
5. The Principal, Mumtaz College, Malakpet, Hyderabad.
6. The Office of the Accountant General, Rep. by its Senior Accounts Officer, Pension Department, Barkatpura, Hyderabad.

RR1 to 3 CT is amended as per C.O. Dt 29.06.2016 in WPMP No.18498/15.

R6 is impLeaded as per Court Order Dt 30.12.2024, IA No.1/2024 in WP No.4862/2011.

...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 issue a direction, directing the Respondents herein to re-fix the pay scale of the Petitioner w.e.f. 01.02.1993 to 31.01.2024 as continuity of services for all other purposes by moulding the relief due to attaining the age of superannuation on 31.01.2024 and pay all the arrears of difference of Pay and Pension w.e.f. 01.02.1993 to 31.01.2024 pending disposal of the Writ Appeal in the interest of justice.

Counsel for the Appellant : SRI SADU RAJESWARA REDDY

Counsel for the Respondents No.1&3 : AGP FOR SERVICES I

Counsel for the Respondents No.2 : SRI S.SUMAN, GP FOR SERVICES III

Counsel for the Respondents No.4TO6 : --

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1461 of 2025

Dated:17.12.2025

Between:

Fairooz Faima

... Appellant

and

The State of Telangana,
Rep. by its Principal Secretary for Higher Education
Department (CE-2), Secretariat, Hyderabad,
and 5 others.

...Respondents

JUDGMENT:

Learned counsel Sri Sadu Rajeshwar Reddy appears for the appellant.

Ms. B.Annapurna, learned Assistant Government Pleader for Services-I, appears for respondents No.1 and 3.

Sri S.Suman, learned Government Pleader for Services-III, appears for respondent No.2.

2. The appellant, who was the petitioner in W.P.No.4862 of 2011, approached the learned writ court after five years of her alleged oral termination with the following prayer:

> "For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction one in the nature of Writ of Mandamus under Article 226 of the Constitution of India in declaring the action of the 4th and 5th respondents in not allowing the petitioner to perform her normal duties as an Attender or Cashier w.e.f. 01-10-2006 which amounts to nothing but oral termination of the petitioner from service is against the principles of natural justice and the same is illegal, arbitrary, unconstitutional and set aside the same and consequently direct the respondents to continue the petitioner as an Attender in service with all consequential benefits such as arrears of difference of salary to the petitioner by fixing the pay scale of the petitioner by directing respondents 1 to 3 to absorb/regularize the services of the petitioner in an aided vacant post of Attender or in any class IV vacant aided post by deploying the services of the petitioner in any other needy government colleges in the State of Telangana, along with all consequential benefits including for payment of pension along with arrears of pension to the petitioner by counting the service from the date of appointment w.e.f. 01-02-1993 till the date of realization in the light of the latest judgment of the Apex Court of the land reported in 2010 (1) Decision Today (SC) Supreme Court of India dated 03-08-2010 at page 358, along with arrears of difference of salary to the petitioner as soon as completing of 10 years of service, including promotion to the post of junior assistant..."

3. The learned writ court, after considering the case of the parties, by an order dated 31.10.2025 held as under:

"22. Out of the said conditions, No.1 condition is that the employee concerned should have worked for 10 years or more in duly sanctioned posts without the benefit or protection of the interim order of any Court or Tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

23. In the case on hand, the petitioner in her own affidavit stated that she worked as an attender on temporary basis and her post was not against any sanctioned post. Hence, the Umadevi case is not applicable in the present case.

24. As per the submission of the respondent authorities, the G.O.Ms.No.212, dated 22.04.1994 shall be made applicable to those who have put in a continuous service of five years as on 25.11.1993. If G.O. has to be applied, the persons must and should work minimum five years of service, whereas the petitioner worked only for 9 months and 24 days as on 25.11.1993. As such, the said G.O. is not applicable to the petitioner's case. Though in the counter at para No.6, the above said issue was discussed, there is no discussion in reply affidavit to that effect. Moreover, the petitioner filed service certificate, dated 18.02.2011, in the said certificate mentioned as worked as Office Attender from 01.02.1993 to 01.09.2006. But, nothing is mentioned in the said certificate that whether she worked against the sanctioned post or not or her recruitment was made under any rules and regulations. In the said circumstances, the service certificate cannot be looked into.

25. In view of the foregoing discussion, the petitioner is not entitled to regularize her service. As such, the writ petition is liable to be dismissed.

26. Accordingly, this Writ Petition is dismissed. No order as to costs."

4. Being aggrieved, the appellant has approached this Court in appeal.

5. During the course of submissions, on being asked, learned counsel for the appellant has referred to the Absentee Statement for the month of December, 2006 at page 41 to contend that the post against which the appellant was working was sanctioned post. Appellant's engagement was in the year 1993 as per her own case and as per G.O.Ms.No.212, dated 22.04.1994, which was also considered by the learned writ court, five years continuous service as on 25.11.1993 was required for being regularized in service. Therefore, the claim for regularisation was not tenable.

6. The Absentee Statement for the month of December, 2006 does not support the case of the appellant that she was appointed against the sanctioned vacancy. Therefore, reliance of the appellant upon the decision in **State of Karnataka v. Umadevi**[1] which was also taken note of by the learned writ court and the decision in **State of Karnataka v. M.L.Kesari**[2] do not support the case of the appellant. The appellant had approached the learned writ

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[1] (2006) 4 SCC 1
[2] (2010) 9 SCC 247 : 2010 (1) Decisions Today (SC) 358

court after five years of her disengagement without any explanation.

7. Therefore, on consideration of rival submissions of the learned counsel for the parties, we do not find any error in the order of the learned writ court warranting interference.

8. The instant appeal is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-P. CH. NAGABHUSHAMBA
DEPUTY REGISTRAR

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SECTION OFFICER

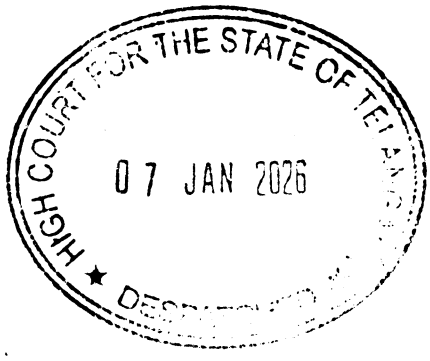
To,

1. One CC to SRI SADU RAJESWARA REDDY, Advocate. [OPUC]
2. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana. [OUT]
3. Two CCs to GP FOR SERVICES III, High Court for the State of Telangana. [OUT]
4. Two CD Copies.

BSK

HIGH COURT

DATED:17/12/2025



JUDGMENT

WA.No.1461 of 2025

DISMISSING THE WRIT APPEAL
WITHOUT COSTS

7/1/26