

**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 Nos.176, 185, 190, 191, 232, 251, 258, 259
and 260 of 2026**

DATE: 02.04.2026

W.A.No.176 of 2026

Between:

V.Anil Kumar and 7 others

....Appellants

And

State of Telangana, rep. by its
Principal Secretary, Higher
Education Department, Secretariat,
Hyderabad and 9 others

....Respondents

W.A.No.185 of 2026

Between:

P.Sadanandam

....Appellant

And

State of Telangana, rep. by its
Principal Secretary, Technical
Education Department, Secretariat,
Hyderabad and 14 others

....Respondents

W.A.No.190 of 2026

Between:

P.Sadanandam

....Appellant

And

State of Telangana, rep. by its
Principal Secretary, Higher
Education Department, Secretariat,
Hyderabad and 16 others

....Respondents

W.A.No.191 of 2026

Between:

P.Sadanandam

....Appellant

And

State of Telangana, rep. by its
Principal Secretary, Higher
Education Department, Secretariat,
Hyderabad and 17 others

....Respondents

W.A.No.232 of 2026

Between:

V.Anil Kumar and 7 others

....Appellants

And

State of Telangana, rep. by its
Principal Secretary, Higher
Education Department, Secretariat,
Hyderabad and 9 others

....Respondents

W.A.No.251 of 2026

Between:

V.Anil Kumar and 7 others

....Appellants

And

State of Telangana, rep. by its
Principal Secretary, Higher
Education Department, Secretariat,
Hyderabad and 7 others

....Respondents

W.A.No.258 of 2026**Between:**

Telangana State Public Service Commission, rep. by its Secretary, Prathibha Bhavan, M.J.Road, Nampally, Hyderabad.

....Appellant**And**

Pendem Narender and 17 others

....Respondents**W.A.No.259 of 2026****Between:**

Telangana State Public Service Commission, rep. by its Secretary, Prathibha Bhavan, M.J.Road, Nampally, Hyderabad.

....Appellant**And**

Mohammad Karishma and 16 others

....Respondents**W.A.No.260 of 2026****Between:**

Telangana State Public Service Commission, rep. by its Secretary, Prathibha Bhavan, M.J.Road, Nampally, Hyderabad.

....Appellant**And**

Naseema Sultana and 14 others

....Respondents**COMMON JUDGMENT**

Since the issues that arise in the above writ appeals are integrally one and the same, the writ appeals are being disposed of by this Common Judgment.

2. W.A.Nos.176, 191 and 258 of 2026 are directed against W.P.No.25531 of 2024; W.A.Nos.185, 251 and 260 of 2026 are directed against W.P.No.24496 of 2024 and W.A.Nos.190, 232 and 259 of 2026 are directed against W.P.No.25837 of 2024.

3. All the aforesaid writ appeals are against common order dated 12.12.2025 passed in W.P.Nos.25531, 25837 and 24496 of 2024 by the learned Single Judge, wherein the learned Single Judge has disposed of the writ petitions with a direction to the respondent authorities to consider or reconsider the claim of the respondents herein (writ petitioners) for appointment to the post of Librarian, pursuant to Notification No.30/2022 dated 31.12.2022, purely on the basis of their merit, and without reference to the rejection order, in a manner similar to the cases of other candidates who were allegedly similarly situated and had been appointed or promoted earlier.

4. Heard Sri G.Vidyasagar, learned Senior Counsel representing Sri Sai Prasen Gundavaram, learned counsel for the appellants in W.A.Nos.176, 232 and 251 of 2026; Sri M.Surender Rao, learned Senior Counsel representing Sri Rama Rao Kilaru, learned counsel for the appellant in W.A.Nos.185, 190 and 191 of 2026; Sri P.S.Rajasekhar, learned Standing Counsel for Telangana Public Service Commission; Sri G.Prasanth, learned Assistant Government Pleader for Services-I appearing for the State of Telangana; Sri M.V.Rama Rao, learned counsel appearing for

respondent Nos.5 to 9 in W.A.No.176 of 2026 and respondent Nos.2 to 6 in W.A.No.258 of 2026; Ms.B.Rachna Reddy, learned Senior Counsel representing Sri Md.Baseer Riyaz, learned counsel for respondent No.13 in W.A.No.190 of 2026 and respondent Nos.13 to 17 in W.A.No.191 of 2026; Sri P.Rama Sharana Sharma, learned counsel for respondent No.13 in W.A.No.185 of 2026, respondent No.5 in W.A.No.251 of 2026 and respondent No.1 in W.A.No.260 of 2026 and perused the record.

Factual matrix

5. The Telangana State Public Service Commission (hereinafter referred to as “TGPSC”) issued Notification No.30/2022 dated 31.12.2022 inviting applications for recruitment to the post of Librarian. The notification was issued pursuant to requisitions/indent received from the State Government, notifying a total of 71 vacancies, comprising 40 posts under the control of the Commissioner of Intermediate Education and 31 posts under the control of the Commissioner of Technical Education.

6. Clause 6 of the said notification prescribed the requisite educational qualifications. Insofar as the post of Librarian under Intermediate Education (Post Code No.01) is concerned, the candidates were required to possess, *inter alia*, a Bachelor’s Degree in Arts, Science or Commerce, along with a Postgraduate Degree in Library Science with not less than 50% marks. The said clause was accompanied by a specific stipulation governing qualifications

obtained through distance education mode, which assumes central relevance in the present *lis* and is extracted hereunder:

“N.B:- i) Distance Education:- *The Applicants who have obtained requisite Degrees through Open Universities / Distance Education mode are required to have recognition by the University Grants Commission / AICTE / Distance Education Bureau as the case may be. Unless such Degrees have been recognised by the relevant Statutory Authority, they will not be accepted for purpose of Educational Qualification vide its Public Notice No. F.27-1/2012 (CPP-II), Dt. 27/06/2013. (A university established or incorporated by or under a State act shall operate only within the territorial jurisdiction allotted to it under its Act and in no case beyond the territory of the State of its location). The onus of proof of recognition by the relevant Statutory Authority that their Degrees / Universities have been recognised rests with the candidate.”*

7. Pursuant to the said notification, the written examination was conducted on 17.05.2023. The respondents herein (writ petitioners) participated in the selection process and were subsequently included in the provisional selection list published on 09.09.2024. Thereafter, the TGPSC undertook the process of certificate verification of the provisionally selected candidates. During the process, it was discovered that the respondents herein had obtained their Master of Library and Information Science (M.Li.Sc.) degree through ‘distance education’ mode from Acharya Nagarjuna University, a State University established under the A.P. Universities Act, 1991 (for short ‘1991 Act’), having its headquarters at Guntur in the State of Andhra Pradesh. However, the study centres through which the respondents pursued the said course were admittedly located at places, now within the State of Telangana.

8. In order to verify the validity and recognition of such degrees, the TGPSC addressed a communication dated 17.05.2024 to Acharya Nagarjuna University. The University, by its reply dated 06.06.2024, furnished details of candidates who had obtained M.Li.Sc. degrees through its Centre for Distance Education. While indicating in the relevant column that the study centres were “within jurisdiction” with reference to the A.P. State Reorganization Act, 2014, (for short, ‘Reorganization Act’) the University simultaneously disclosed the actual location of such study centres, which were in fact, situated within the State of Telangana.

9. Meanwhile, the respondents (writ petitioners) in W.P.No.25531 of 2024 submitted representations before the TGPSC seeking recognition of their degrees. Upon inaction, the respondents herein approached this Court by filing W.P.No.16186 of 2024, which was disposed of with a direction to the TGPSC to consider their representation. In compliance thereof, the TGPSC passed a reasoned order, dated 29.08.2024 *vide* Memo No.453/Rectt-pool-II/3/2022, rejecting the claim of the respondents herein. The TGPSC recorded that the degrees obtained by the respondents herein were through study centres located outside the territorial jurisdiction of Acharya Nagarjuna University, which, under the governing statute, is confined to the districts of Guntur and Prakasam. Consequently, such degrees were held to be invalid for the purpose of recruitment, in view of

the University Grants Commission (UGC) Public Notice dated 27.06.2013, which formed part of the recruitment conditions.

10. Aggrieved thereby, the respondents herein instituted separate writ petitions before this Court. During the pendency of the writ proceedings, the appellants herein who are meritorious candidates whose names appeared in the provisional selection list, sought to be impleaded. The learned Single Judge allowed the implead applications, whereupon the appellants entered appearance and filed their counter-affidavits, along with applications seeking vacation of interim orders.

11. The learned Single Judge, upon consideration disposed of the writ petitions *vide* common order dated 12.12.2025. The learned Single Judge took note of the contention that in earlier recruitment processes, including Notification Nos.20/2017 and 28/2017, degrees obtained through distance education mode from Acharya Nagarjuna University had been accepted, and that even promotions had been granted on the basis of such qualifications. Placing reliance on such instances, the learned Single Judge held that the action of the TGPSC in rejecting the candidature of the respondents herein (writ petitioners) amounted to discriminatory treatment *vis-à-vis* similarly situated candidates. The learned Single Judge further held that the principle of negative equality was not attracted to the facts of the case and, accordingly, directed the respondents to consider/reconsider the claims of the

respondents herein (writ petitioners) for appointment strictly on merit, without reference to the rejection order dated 29.08.2024.

Submissions on behalf of the Appellants

12. Learned counsel appearing for the appellants, advanced elaborate submissions assailing the impugned common order dated 12.12.2025 as under:

- i) That the controversy in the present case is not one of alleged discrimination, but pertains to the foundational validity of the educational qualification itself. It was contended that the respondents admittedly obtained their M.Li.Sc. degrees through distance education mode from Acharya Nagarjuna University, through study centres situated in the State of Telangana.
- ii) That the territorial jurisdiction of Acharya Nagarjuna University, as per its parent Act and the Schedule thereto, is confined to the districts of Guntur and Prakasam. The operation of study centres beyond the said territorial limits is in clear contravention of the statutory framework governing the University, as well as the mandate contained in the UGC Public Notice dated 27.06.2013. That the recruitment notification dated 31.12.2022 expressly incorporates the said UGC Public Notice, thereby rendering compliance therewith a condition precedent for eligibility. Consequently, the degrees obtained by the respondents, being contrary to the statutory

and regulatory regime, are *ex facie* invalid and cannot be recognised for the purpose of public employment.

- iii) That the learned Single Judge erred in holding that the Doctrine of “Negative Equality” is inapplicable to the facts of the present case. It was submitted that even assuming that certain appointments were made in the past on the basis of similar qualifications, such appointments, if irregular or illegal, cannot confer any enforceable right upon the respondents herein to seek parity. It was emphasised that Article 14 of the Constitution embodies a positive concept of equality and cannot be invoked to perpetuate illegality or irregularity. The doctrine of negative equality operates as a bar against claiming relief founded upon an earlier erroneous or illegal action of the State.
- iv) That the reliance placed by the respondents herein upon prior recruitments and promotions, including those under Notification Nos.20/2017 and 28/2017, is wholly misconceived and does not give rise to any estoppel against the appellants or the recruiting authority, as such, recruitments were conducted under different rules and prior to the crystallisation of the legal position by this Court in ***B. Sai Kiran v. State of Telangana***¹. In the said decision,

¹ W.P.No.3006 of 2021, dated 17.08.2022.

it was specifically held that degrees obtained through distance education mode from Acharya Nagarjuna University through study centres located in Telangana are not valid for the purposes of higher education or employment. It was thus contended that past irregularities, if any, cannot be relied upon to legitimise an otherwise invalid qualification.

- v) That the UGC Public Notice dated 27.06.2013 has statutory force and is intended to regulate and maintain standards in higher education, particularly with respect to territorial jurisdiction and operation of study centres. It was emphasised that the said Public Notice was expressly incorporated into the recruitment notification, thereby forming an integral part of the eligibility conditions. The TGPSC was bound to strictly enforce the said conditions. Any deviation therefrom would render the selection process arbitrary and violative of the Constitutional mandate under Articles 14 and 16 of the Constitution.

Submissions on behalf of the respondents (writ petitioners)

13. Learned counsel appearing for the respondents (writ petitioners), supported the impugned common order and contended that the same does not warrant interference and advanced the submissions as under:

- i) That the learned Single Judge was justified in holding that the action of the TGPSC in rejecting the candidature of the respondents is arbitrary and discriminatory. The respondents placed reliance on multiple instances wherein candidates possessing identical qualifications, namely M.Li.Sc. degrees obtained through distance education mode from Acharya Nagarjuna University, had been appointed or promoted. Such instances include recruitments under Notification No.28/2017, appointments made by the Telangana Social Welfare Residential Educational Institutions Society (TSWREIS), and promotions granted to the post of Librarian in Government Junior Colleges. It was submitted that the consistent acceptance of such qualifications in the past creates a legitimate expectation and that the sudden departure therefrom results in hostile discrimination, violative of Articles 14 and 16 of the Constitution.
- ii) That the respondents pursued their educational qualifications during the period between 2014 and 2020, and that Section 95 of the Reorganisation Act guarantees equal opportunities in higher education to students of both successor States for a period of ten years. It was argued that the degrees obtained from Universities of the erstwhile composite State ought to be treated as valid, irrespective of

whether the study centres were located in Andhra Pradesh or Telangana.

- iii) The learned counsel drew attention to the communication dated 06.06.2024 issued by Acharya Nagarjuna University, wherein, in response to a query as to whether the study centres were within its jurisdiction, the University answered in the affirmative, referring to the provisions of the Reorganisation Act. It was contended that the University, being the degree-granting authority, has recognised the validity of the degrees in question, and the TGPSC cannot sit in judgment over such determination.
- iv) That the rejection order dated 29.08.2024 passed by the TGPSC is vitiated by non-application of mind, inasmuch as it merely reproduces the contents of the UGC Public Notice without duly considering the factual matrix and the consistent practice of acceptance of such degrees by the State and its instrumentalities. It was argued that the said order is mechanical, arbitrary and liable to be set aside.

14. We have taken note of the respective submissions urged and the material placed on record.

Consideration by this Court

15. The foundational facts giving rise to the present case stand admitted and are not in controversy, the respondents having

pursued and obtained their M.Li.Sc. degree through the distance education mode from Acharya Nagarjuna University. It is equally undisputed that the study centres through which they undertook the said course were situated within the State of Telangana. The territorial jurisdiction of Acharya Nagarjuna University is circumscribed by its parent statute, namely the Andhra Pradesh Universities Act, 1991. The Schedule appended thereto defines the “University area” as comprising the districts of Guntur and Prakasam. Being a State University constituted under statute, its functional and academic operations are necessarily confined to the said territorial limits and it cannot establish or operate study centres beyond such jurisdiction. The relevant schedule is extracted hereunder:

THE SCHEDULE
[See section 2 (19) and 4]
UNIVERSITIES AND THEIR TERRITORIAL JURISDICTION

Sl. No.	Name of the University	University Area	Headquarters
(1)	(2)	(3)	(4)
1.	Andhra University	Area comprising the Districts of: ¹⁷ [xxx] ¹⁸ [1]. Vijayanagaram ¹⁸ [2]. Visakhapatnam ¹⁹ [xxx]	Visakhapatnam
2.	Kakatiya University	Area comprising the Districts of: ²⁰ [1]. Warangal ²¹ [xxx] ²² [xxx] ¹⁸ [2]. Khammam	Warangal

17. Srikakulam omitted by Act No.29 of 2008.

18. Items [2] & [3] renumbered as [1] & [2] by Act No.29 of 2008.

19. West Godavari & East Godavari omitted by Act No.28 of 2006.

20. Karimnagar and Khammam at items [1] & [3] renumbered as [1] &

[2] by Act No.29 of 2008.

21. Adilabad omitted by Act No.28 of 2006.

22. Karimnagar omitted by Act No.29 of 2008.

[Act No.4 of 1991]

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(1)	(2)	(3)	(4)
3.	Sri Krishna-devaraya University	Area comprising the Districts of: 1. Anantapur	Anantapur
4.	²⁴ [Acharya Nagarjuna University]	²³ [xxx] Area comprising the Districts of: 1. Guntur 2. Prakasam	Kaza-Nambur in Guntur District
5.	Osmania University	²⁵ [xxx] Area comprising the Districts of: 1. Hyderabad 2. Ranga Reddy ²⁶ [3. Medak] ²³ [xxx] ²⁷ [xxx] ²⁸ [xxx] ²⁵ [xxx]	Hyderabad and it may extend to any place within a contiguous area of ten miles around it.

23. Kurnool omitted by Act No.29 of 2008.

24. Substituted by Act No.7 of 2004.

25. Krishna omitted by Act No.29 of 2008.

26. Medak omitted by Act No.29 of 2008 and subsequently added by Act No.2 of 2011.

27. Medak and Nizambad omitted by Act No.28 of 2006.

28. Nalgonda omitted by Act No.13 of 2007.

16. At the outset, it is necessary, for a proper appreciation of the facts and the applicable law to extract the Public Notice dated 27.06.2013 for consideration by this Court:

Public Notice

on

Courses/Study Centres/Off Campuses & Territorial Jurisdiction of Universities

No. F.27-1/2012(CPP-II)

27 June, 2013

The Commission has come across many advertisements published in National Dailies offering opportunities for the award of university degrees through various franchise programmes conducted by certain private institutions. These private establishments claiming themselves as study centres or learning centres of different universities enrol students for various degree programmes and also claim to be responsible for teaching and conduct of examinations. The faculty and the infrastructure belong to these private agencies. The concerned university except providing syllabus and teaching materials, has no mechanism to monitor and maintain the academic standards of teaching being imparted at these centres. This blatant compromise with the standards of education has led to widespread

criticism. The Commission has taken a serious view of these misleading advertisements appearing in various newspapers.

It is, therefore, clarified for the information of all concerned, including students and parents that:

- a) a Central or State Government University can conduct courses through its own departments, its constituent colleges and/or through its affiliated Colleges;
- b) a university established or incorporated by or under a State act shall operate only within the territorial jurisdiction allotted to it under its Act and in no case beyond the territory of the state of its location;
- c) the private universities and deemed universities cannot affiliate any college or institution for conducting courses leading to award of its diplomas, degrees or other qualifications.
- d) no University, whether central, state, private or deemed, can offer its programmes through franchising arrangement with private coaching institutions even for the purpose of conducting courses through distance mode.
- e) all universities shall award only such degrees as are specified by the UGC and published in the official gazette.
- f) the Universities shall conduct their first degree and Master's degree programmes in accordance with the regulations notified by the Commission in this regard.

In this connection, the students and the general public are also hereby informed of the following regulating provisions pertaining to different types of universities:

A. UGC Regulations on Private Universities

A private university established under a State Act shall be a unitary university. A private university may be permitted to open off campus centres, off shore campuses and study centres after five years of its coming into existence subject to the fulfillment of conditions as laid down under UGC (Establishment of & Maintenance of Standards in Private Universities) Regulations, 2003. As of now, the UGC has not granted permission to any Private University to establish off-campus/study centre.

B. UGC Regulations on Deemed Universities

A Deemed University shall operate only within its Headquarters or from those off campuses/off-shore campuses which are approved by the Government of India through notification published in the official gazette.

In case of distance education programmes, no institution deemed to be university, so declared by the Govt. of India after 26 May, 2010 [date of publication of UGC (Institutions Deemed to be Universities) Regulations, 2010] is allowed to conduct courses in the distance mode.

The Institutions deemed to be universities declared before 26th May, 2010 are not allowed to conduct courses in distance mode from any of its off-campus centres/off-shore campuses approved after 26th May, 2010.

Approval for new courses and extension of approval of the courses already run by the Deemed to be Universities under distance mode would be granted by the UGC subject to the fulfillment of conditions as laid down by the UGC.

The UGC has not granted approval to any deemed to be university to establish study centres.

Any information/clarification with regard to recognition of Private Universities/Deemed Universities and the courses offered by them may be obtained from JS (CPP-I) UGC, Bahadurshah Zafar Marg, New Delhi.

C. Distance Education programmes of the Central Universities and State Govt. Universities

The Central/State Govt. Universities can conduct courses through distance mode in accordance with the provisions of their respective Act and after the approval of the UGC.

The information relating to recognized universities, list of specified degrees and all the relevant regulations/instructions/guidelines of the UGC are available on UGC website: www.ugc.ac.in.

The students are, advised not to take admission in the unapproved Study Centres, Off-Campus Centres, Franchisee Institutions, Colleges/Institutions claiming to be affiliated with Private Universities or Deemed Universities.

17. In the aforesaid Public Notice dated 27.06.2013, the UGC unequivocally clarified that *“a university established or incorporated by or under a State Act shall operate only within the territorial jurisdiction allotted to it under its Act and in no case beyond the territory of the State of its location.”* The establishment and operation of study centres by Acharya Nagarjuna University in the State of Telangana is, therefore, plainly in derogation of the said binding regulatory framework.

18. It is also to be noted that the aforesaid UGC Public Notice was not merely of general application, but was expressly incorporated into the recruitment notification issued by the TGPSC on 31.12.2022. The notification categorically stipulated that degrees obtained through distance education mode would not be

accepted unless they were duly recognized in terms of the said UGC norms, and further cast the burden upon the candidate to establish such recognition. Thus, compliance with the UGC mandate was made an essential condition of eligibility, and not a mere procedural formality.

19. In the present case, the respondents have failed to discharge the said burden. The reliance placed upon the purported “clarification” issued by Acharya Nagarjuna University, stating that the degrees are valid “*as per the A.P. State Reorganisation Act, 2014,*” is misconceived and legally untenable. A statutory University cannot, by way of an administrative communication or interpretative assertion, enlarge the scope of its territorial jurisdiction beyond what is expressly provided in its governing statute. Further, Section 95 of the Reorganisation Act, pertains to the continuation of admission-related arrangements and equitable access to educational opportunities for a limited transitional period. The said provision does not, either expressly or by necessary implication, override or dilute the binding regulatory regime framed by the UGC with respect to territorial jurisdiction. The two operate in distinct and independent domains, and cannot be conflated so as to confer legitimacy upon an otherwise impermissible exercise of jurisdiction. Section 95 is extracted hereunder for ready reference:

Section 95. Equal opportunities for quality higher education to all students.

In order to ensure equal opportunities for quality higher education to all students in the successor States, the existing admission quotas in all government or private, aided or unaided, institutions of higher, technical and medical education in so far as it is provided under article 371D of the Constitution, shall continue as such for a period of ten years during which the existing common admission process shall continue.

20. In *Prof. Yashpal v. State of Chhattisgarh*², while examining the validity of legislative measures relating to private Universities, the Hon'ble Supreme Court emphasized that a University must be an actually established institution, equipped with the requisite infrastructure, teaching faculty and academic environment, and not a mere body created for the purpose of conferring degrees. It was observed that the conferment of degrees carries serious academic and societal consequences and, therefore, cannot be dissociated from proper standards of education and institutional credibility. This principle was reiterated in *Kurmanchal Institute of Degree & Diploma v. Chancellor, M.J.P. Rohilkhand University*³, wherein the Court held that study centres, which partake the character of full-fledged academic establishments, cannot be permitted to be established or operated beyond the territorial jurisdiction of the parent University, as any such extra-territorial functioning would be contrary to the statutory scheme governing the University.

² (2005) 5 SCC 420

³ (2007) 6 SCC 35

21. Following the aforesaid dicta, this Court, in **B. Sai Kiran's** case (supra 1) had occasion to consider an analogous issue concerning degrees obtained through distance education mode from Acharya Nagarjuna University through study centres located in Telangana. Upon an elaborate consideration of the UGC Public Notice and the statutory framework, this Court categorically held that such degrees are not valid for the purpose of admission into higher educational courses within the State. The principle enunciated therein is of direct relevance to the present case. Though the context in **B. Sai Kiran's** case (supra 1) pertained to admission, the invalidity of degrees obtained in violation of territorial jurisdiction norms applies with equal, if not greater, force in matters of public employment, where adherence to prescribed qualifications is of paramount importance.

22. Further, the impugned common order of the learned Single Judge does not advert to this foundational aspect of the matter. The direction to consider the candidature of the respondents "purely on merit" proceeds on an implicit assumption that the degrees held by them constitute valid educational qualifications. Such an assumption, in the considered view of this Court, is fundamentally flawed. The rejection of the respondents' candidature by the TGPSC was not predicated upon an assessment of comparative merit, but upon a threshold issue of eligibility and the absence of a valid and recognized educational qualification.

23. It is trite law that possession of the prescribed qualification is a *sine qua non* for consideration in a selection process. A candidate who does not satisfy the minimum eligibility criteria cannot be considered for appointment, irrespective of performance in the selection process. Any contrary view would render the eligibility conditions otiose and defeat the very object of maintaining standards in public recruitment.

24. It is apposite to note that the learned Single Judge has taken the view that the present case does not fall within the ambit of the doctrine of “Negative Equality,” on the premise that the respondents had demonstrated instances of recruitments and promotions over a period of time wherein degrees obtained from the very same University through distance education mode were accepted. In the considered opinion of this Court, the said finding is legally unsustainable and proceeds on an erroneous application of settled principles.

25. The doctrine of “Negative Equality” lays down that Article 14 of the Constitution embodies a positive concept of equality and cannot be invoked to perpetuate an illegality or irregularity. A benefit erroneously conferred upon one individual, in contravention of law, does not create a corresponding enforceable right in favour of others to claim parity. Equality before law cannot be extended to compel repetition of a wrong.

26. The Hon'ble Supreme Court in ***Fuljit Kaur v. State of Punjab***⁴, has categorically held as under:

13.....Article 14 is not meant to perpetuate illegality or fraud. Article 14 of the Constitution has a positive concept. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a Judicial Forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing wrong order.

The said dictum unequivocally affirms that the doctrine of equality cannot be stretched to legitimise an otherwise unlawful act.

27. Similarly, in ***State of Madhya Pradesh v. Amit Shrivastava***⁵, the Apex Court reiterated that “*if some persons are given the benefit wrongly, that cannot form the basis of claiming the same relief,*” and further emphasised that the right to equality under Article 14 does not operate in negative terms. The ratio laid down therein squarely applies to cases where reliance is placed upon prior irregular or erroneous actions of the State.

28. It is to be noted that the respondents herein seek to derive support from certain past recruitments and promotions wherein degrees obtained through distance education mode from Acharya Nagarjuna University were accepted. However, the mere existence of such instances does not, *ipso facto*, establish their legality or confer a binding precedent upon the recruiting authority. On the

⁴ (2010) 11 SCC 455

⁵ (2020) 10 SCC 496

contrary, as borne out from the material on record, such instances appear to have been made either in ignorance of, or in deviation from, the binding UGC norms governing territorial jurisdiction and recognition of degrees. The TGPSC, being a Constitutional body under Article 315 of the Constitution, is under a statutory obligation to ensure that recruitment is conducted strictly in accordance with the applicable rules and regulatory framework. It cannot be compelled to perpetuate an illegality on the ground that a similar illegality may have been committed in the past.

29. It is to be noted that reliance placed by the respondents on the judgment of the Hon'ble Supreme Court in ***Sheo Shyam v. State of U.P.***⁶ is wholly misconceived. The said decision arose in the context of a dispute relating to the period of validity of a waiting list post of Assistant Public Prosecutor prepared by the Public Service Commission, and the limited question that fell for consideration therein was whether such period ought to be reckoned from the date of the first date of recommendation or the last date of recommendation. The Apex Court directed consideration of the appellants based on the last date of recommendation. The ratio of the said judgment is thus confined to the operation and validity of a select list and does not, in any manner, deal with or govern the issue of recognition or validity of

⁶ (2005) 10 SCC 314

educational qualifications obtained in contravention of statutory or regulatory norms.

30. Further, it is equally untenable to place the reliance upon instances of appointments made under Notification No.28/2017. It is a settled principle that each recruitment process is required to be tested on the basis of the terms and conditions governing that particular notification. In the present case, the TGPSC, in explicit terms, incorporated the UGC Public Notice dated 27.06.2013 as a binding condition of eligibility. The existence of prior recruitments, which may have been conducted under a different regulatory framework or prior to the crystallisation of the legal position, does not impose any obligation upon the TGPSC to dilute or disregard a clear statutory mandate forming part of the present notification. Past practice, even if assumed, cannot override an express condition of eligibility nor can it operate as a precedent to compel deviation from binding norms.

31. If the relief sought by the respondents were to be granted, the inevitable consequence would be to compel the TGPSC to disregard a binding statutory direction issued by the UGC, which has been expressly incorporated into the recruitment notification. Such a course would not only run contrary to the mandate of Articles 14 and 16 of the Constitution, but would also erode the regulatory framework devised to maintain standards in higher education. Acceptance of degrees obtained in violation of territorial

jurisdiction norms would undermine the integrity of the selection process and open the floodgates to similar claims from candidates possessing qualifications of doubtful legal validity. Such a direction would cause manifest prejudice to the appellants, who possess valid qualifications and have secured meritorious positions. Permitting ineligible candidates to be considered would defeat their legitimate expectation of eligible meritorious candidates and dilute the prescribed eligibility standards, which is impermissible under the Constitutional mandate of equality in public employment.

Conclusion

32. For the foregoing reasons, this Court is of the considered view that the M.Li.Sc. degree obtained by the respondents from Acharya Nagarjuna University through distance education study centres in Telangana is not a valid qualification under Notification No.30/2022, being contrary to the UGC Public Notice dated 27.06.2013, and thus the direction of the learned Single Judge to consider their candidature without deciding this foundational issue is legally unsustainable.

33. Accordingly, the W.A.Nos.176, 185, 190, 191, 232, 251, 258, 259 and 260 of 2026, are allowed. The common order dated 12.12.2025 passed by the learned Single Judge in W.P.Nos.25531, 25837 and 24496 of 2024 is hereby set aside and the said writ petitions shall stand dismissed. All interim orders granted therein

shall stand vacated. The TGPSC and the concerned appointing authorities are at liberty to proceed with the process of recruitment to the post of Librarian strictly in accordance with law.

Consequently, miscellaneous petitions pending if any shall stand closed. No costs.

APARESH KUMAR SINGH, CJ

G.M. MOHIUDDIN, J

Date: 02.04.2026
ssp/szt