

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD

THE HON'BLE SRI JUSTICE P.SAM KOSHY

AND

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WP.No. 35145 of 2024

Dt. 06.03.2026

Between:
Jagannath

.... Petitioner

and

The Registrar(Administration), High Court for the State of Telangana,
Hyderabad and another.

...Respondents

ORDER: *(Per the Hon'ble Sri Justice Suddala Chalapathi Rao)*

1. The present Writ Petition has been filed for a *Writ of Mandamus* declaring the proceedings of the 1st respondent in ROC.No.891/2024-C-3, dt.04.06.2024, in rejecting the permission to validate/ratify and enter 3

Years LL.B. Degree awarded to the petitioner by the Osmania University for the academic year 2014–17 in the Service Register of the petitioner, as illegal, arbitrary, and in violation of the guidelines issued by the Hon'ble Court in the judgment passed in WP.No.30688/2013, dt.30.12.2015 and the order in ROC.No.128/2016/C-3, dt.27.01.2016, issued by the High Court and violative of Articles 14 and 21 of the Constitution of India, and consequently to set aside the same by directing the respondents No.1 & 2 to treat the LL.B-3 Years course awarded to the petitioner as valid for all purposes, including to appear and write the examination of Junior Civil Judge, by recording the said LL.B. Degree in the Service Register of the petitioner.

2. The brief facts of the case are that, the petitioner was appointed as Junior Assistant on 21.02.2005 in Mahabubnagar District and his probation was declared on 19.02.2007. The petitioner was promoted as Senior Assistant in the month of November, 2011 and Superintendent in the year 2012, and his services were regularized and probation was declared in the said posts. Subsequently, he was promoted as Senior Superintendent in the month of July, 2017 and, as on the date of filing of the Writ Petition, the petitioner was working in the Court of Municipal Senior Civil Judge, Mahabubnagar and on deputation in the Court of District & Sessions Judge, Mahabubnagar.

3. It is further submitted that while the petitioner was working as Superintendent in the Court of Junior Civil Judge, Shadnagar, he appeared for LAW CET-2015 examination and was provisionally allotted a seat by letter from Mahatma Gandhi Law College, dt.21.10.2014, and pursuant thereto, as he was working at Shadnagar, which is around 40-45 minutes drive to Mahatma Gandhi Law College, and as the class timings, for the convenience of employees, were stated to be from 8.00 a.m. to 10.00 a.m. in the morning and again from 5.00 p.m. to 7.00 p.m. in the evening for the LL.B.-3 years Degree course, the petitioner joined the said college in the First Year Law Degree course.

4. It is further stated that the Government Memo No.609/Service-C/78-1, General Administration (Service-C) Department, dt.06.04.1978, was not communicated to the petitioner after his appointment in the year 2005–06. Thereafter, pursuant the direction of the Hon'ble High Court in WP.No.30688/2013, dt.30.12.2015, the said Memo, dt.06.04.1978 was communicated to all the all the staff members of the District Units *vide* ROC.No.128/2016/C-3, dt.22.01.2016, by which time, the petitioner had applied for grant of permission on 04.06.2015 to the respondents to prosecute the LL.B. Degree evening course, and joined the 3 Years LL.B. Course and was continuing in the II Year LL.B. Degree, however, the said application for according permission was rejected by the High Court

vide Official Memorandum in ROC No.1345/2015-C3 dt.17.07.2015.

5. It is further stated that in similar circumstances, two persons from Mahabubnagar District were granted permission to prosecute the 3 Years LL.B. course *vide* order in Dis.No.1453/22.02.1999, whereas the application of the petitioner was not considered. However, the petitioner completed the Three Years Law Course for the academic years 2014–17 and passed the said LL.B., Degree in First Class from Osmania University in the year 2017, and during the said period of study, it is contended that there were no remarks from the higher authorities and no impediment to the administrative work before the Hon'ble Court.

6. It is further submitted that even before the communication of Government Memo No:609/Ser.C/78-1, GAD (Ser.C), dated 6.4.1978, by this Hon'ble High Court to the 3rd respondent as per the judgment of this Hon'ble High Court in W.P.No:30688/2013, dt. 30.12.2015, *vide* proceedings in ROC.No:128/2016-C-3, dt.27.1.2016, with regard to obtaining of prior permission to prosecute further studies by the employees, the petitioner had applied for permission *vide* my application, dt.04.06.2015 and already completed 2-years LL.B., course, and till such time, since the petitioner did not know about the issuance of Memo, dt.06.04.1978, the respondents ought to have considered the application of the petitioner in the light of the above circular.

7. It is further submitted that while so, Notification No 15/2019-RC, dt.8.3.2019 inviting applications through ONLINE to 67 posts of Civil Judges in Telangana State, was issued by this Hon'ble High Court, and the petitioner filed W.P.No.5607/2019 seeking to declare the action of respondent in not considering the petitioner's application under the said notification, as illegal and arbitrary and consequently to direct the respondents to admit the petitioner in the ensuing Civil Judges Examination to be held on 11.05.2019. On 02.04.2019, at the time of hearing of the said writ petition, the learned counsel for petitioner sought permission to withdraw the said writ petition and was permitted to withdraw the writ petition with a liberty to file the appropriate writ petition.

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Subsequently, the petitioner filed W.P.No.7512/2019 seeking to validate the provisional certificate awarded for LLB-3 years Course and consequently to direct the respondents to permit the petitioner to attend the Junior Civil Judge's Examination to be held on 11.05.2019 and this Hon'ble High Court *vide* order dt.09.04.2019 permitted the petitioner to appear for the examination by directing the respondents not to declare the results pending the writ petition. Pursuant thereto, the petitioner appeared in the examination and could not succeed in the said examination, and the Hon'ble High Court *vide* order dt.23.03.2021 was pleased to dismiss the said W.P.No:7512/2019 as infructuous.

↵ It is further submitted pending the above said WP.No.7512 of 2019, pursuant to another Notification, dated 20.2.2020, petitioner filed an application in IA.No.1/2020 in W.P.No:7512/2019, but however, in view of General orders passed by this Hon'ble Court and the Hon'ble Supreme Court due to prevailing of Corona, the petitioner appeared for the Screening Test held on 3.5.2020 and succeeded in the said examination and subsequently, issued the Hall Ticket for the main examination to be held on 3rd and 4th of April, 2021 and attended the main examinations, and the petitioner once-again approached this Court by filing writ petition in W.P.No:12198/2021, and the learned counsel for petitioner, after addressing arguments for some time, sought permission of the Court to

withdraw the said petition, and granting leave as sought for, the said writ petition was dismissed as withdrawn *vide* order dt.17.06.2021.

Thereafter, the petitioner once-again submitted application, dt.16.04.2024 to the 1st respondent to ratify the 3 years LL.B course for the academic year 2014-2017 and to permit to enter the 3 years LL.B Degree in Service Register, and the said application was forwarded by the 3rd respondent *vide* letter dated 16.04.2024 recommending to ratify petitioner's 3 years LL.B Degree for the academic year 2014-2017, however, the said application was rejected on 04.06.2024, and assailing the same, the instant writ petition is filed.

↳ The respondents No.1 & 3 filed counters, separately, contending that the writ petition is not maintainable either on facts or in law and that the petitioner is not entitled to the relief sought. The sum and substance of both the counters filed is that, the petitioner took admission into the LL.B. course without obtaining prior permission as required under Government Memo No.609/Ser.C/78-1 dt.06.04.1978, and though the petitioner subsequently applied for permission on 09.06.2015, the same was rejected by the High Court *vide* Official Memorandum in ROC No.1345/2015-C3 dt.17.07.2015, on the ground that the distance between his workplace at Shadnagar and the college in Hyderabad was about 50 kilometers and that pursuing the course would cause hindrance

to official duties. Further, his subsequent application dt.22.12.2015 made to the High Court through the then District Judge, Mahabubnagar *vide* letter in Dis. No.424, dt.25.01.2016 seeking permission to complete Law Course from Mahatma Gandhi Law College in Hyderabad, was also rejected *vide* ROC No. 232/2016-C3 dt.26.03.2016, and despite rejection of permission on 17.07.2015, the petitioner continued the course and completed the LL.B. degree from Osmania University in 2017, and it is contended that the same was done in clear disregard of the earlier rejection and contrary to service rules, which require prior permission to study the LL.B., Course.

10. It is further contended that the petitioner had earlier filed three writ petitions seeking substantially the same relief. In W.P. No.5607 of 2019,

filed challenging the non-consideration of his application dt.22.12.2015, this Court by order dt.02.04.2019 permitted the petitioner to withdraw the writ petition with liberty to file a fresh one. Thereafter, the petitioner filed W.P.No.7512 of 2019 seeking validation of his provisional LL.B. certificate and permission to appear for the Junior Civil Judge examination and the said writ petition was disposed of as infructuous by order dt.23.03.2021, and subsequently, the petitioner filed W.P. No. 12198 of 2021 seeking declaration that his 3-year LL.B. degree awarded for the academic years 2014–2017 be treated as valid for all purposes and entered in his service register, and the petitioner withdrew the said writ petition, without seeking liberty to file a fresh petition.

11. It is further contended in the counter affidavits that the present writ petition is also for the very same relief sought in W.P.No.12198 of 2021, which was withdrawn without any liberty. Therefore, the petitioner is estopped from re-agitating the same cause of action basing on a representation dt.16.04.2024, which was submitted after a lapse of nearly three years.

12. Reply affidavits have been filed by the petitioner to the counters of respondent Nos.1 & 3, reiterating the writ averments and denying the counters' averments.

13. Heard Sri G.U.R.C.Prasad, learned counsel for the petitioner and Sri Vivek Jain, learned Standing Counsel for respondent Nos. 1 and 3.

14. Learned counsel for the petitioner contends that the petitioner was initially not aware of any Official Memorandum issued by the Government requiring prior permission to pursue the LL.B. course. As such, the petitioner appeared for LAW CET-2015 examination and on being provisionally allotted a seat by letter from Mahatma Gandhi Law College, dt.21.10.2014, he joined the said college in the First Year Law Degree course, and applied for permission on 04.06.2015 and pending the same, the Memo No.609/Service-C/78-1, General Administration (Service-C)

Department, dt.06.04.1978, which required prior permission to prosecute higher studies, was only communicated to him through ROC. No. 128/2016/C-3, dt.21.01.2016, by which time, his application is stated to be pending, but however, the 3rd respondent had rejected the same *vide* orders dt.17.07.2015.

15. Learned counsel further contended that as the petitioner only received the said Memorandum in 2016, by which time, he was in the middle of the course, and more so his studies did not disrupt office work, and there are no complaints from the Presiding Officer or the High Court, and in the light of these facts, the petitioner's LL.B. degree should have been recorded by the respondents in his service register and no

prejudice would be caused to the department, and thus, prayed to allow the writ petition.

16. Sri Vivek Jain, learned Standing Counsel for respondent Nos. 1 and 3 contended that on the application made by the petitioner seeking permission to pursue LLB 3 year degree course, the 1st respondent sought information from the District Judge, who, by letter dt.08.07.2015, stated that the petitioner had not obtained prior permission, intended to pursue the course on a regular basis using proportional leave, and that the 50 kms., distance between Shadnagar and the college made it impracticable to attend classes without affecting office work, and that frequent leave would disrupt judicial functioning, and therefore the District

Judge could not grant permission. On this basis of the report of the 3rd respondent, the High Court rejected the petitioner's application *vide* Official Memorandum dt.17.07.2015, and that the petitioner has been constantly filing the writ petitions and the petitioner has not made any substantial new grounds as to that of W.P.No.12198 of 2021, which was dismissed withdrawn without granting any liberty.

17. We have given earnest consideration to the submissions made by the learned counsel appearing on either side and perused the material on record.

1⇐ Evidently, the petitioner's initial application, dt.04.06.2015 for grant of permission to pursue the 3-year LL.B. course was rejected by the High

Court vide Official Memorandum in ROC No.1345/2015-C-3, dt.17.07.2015, taking into consideration of the communication addressed by the Principal District and Sessions Judge, Mahabubnagar, dt.08.07.2015. The petitioner had not obtained prior permission from higher authorities to appear for the first semester of the course, and he intended to pursue the law course on regular basis by availing proportionate leave, and that as his workplace in Shadnagar was about 50 kms., from the college, the learned Principal District Judge expressed his inability to grant permission as it would disrupt judicial functioning. Subsequently, the petitioner submitted another application dt.22.12.2015, which was returned vide proceedings dt.26.03.2016 in view of the earlier rejection.

14. The petitioner as such filed W.P. No.5607 of 2019 seeking relief for recognition of his LL.B. course and to enter the same into his service record. However, this petition was withdrawn on 02.04.2019. Later, petitioner filed W.P. No.7512 of 2019 seeking similar relief and the same was dismissed as infructuous as the petitioner has not secured the required marks.

20. Again, the petitioner filed W.P. No.12198 of 2021 seeking the very same relief and a Coordinate Bench of this Court observed that the petitioner did not immediately apply for ratification of his course or for recording the degree in his service register after it was awarded. Instead, he approached the respondents only in 2019, after a notification was

issued for 67 Civil Judge posts. At that stage, the petitioner sought permission to withdraw the writ petition, and the same was dismissed as withdrawn. Evidently, the petitioner did not seek any liberty to make a fresh representation.

21. Since the petitioner had earlier filed a writ petition for the same relief and withdrew it without seeking liberty, in principle is estopped from filing another petition or representation for the same relief. Though, the petitioner claims that some of the employees were permitted to pursue evening law course in 1999, as the said employees pursued law course in evening college, the petitioner cannot be equated with the said employees to pursue the LL.B. in regular mode, as it would hamper the

judicial work. Further, the contention of the petitioner that the Official Memorandum was communicated only in 2016 is also untenable, as his application seeking permission was considered and rejected by the High Court *vide* order, dt.17.07.2015.

22. In the above factual matrix of the case, we are of the considered opinion that the petitioner despite having ample opportunity to seek ratification immediately after obtaining the degree, failed to do so, and further the petitioner, by withdrawing the earlier writ petition without seeking liberty, has effectively waived his right to approach the respondents again for the same relief, more so, when his application to study law course was considered and rejected by the High Court on

17.07.2015, and as such, the claim of the petitioner for entering the LL.B., Degree in service register, is unjustified and invalid.

23. In view of the above findings, the instant writ petition is misconceived, legally untenable, and devoid of merit and is liable to be dismissed.

24. Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

P.SAM KOSHY, J

SUDDALA CHALAPATHI RAO, J

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