

**IN THE HIGH COURT FOR THE STATE OF
TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No.31400 OF 2024

DATE: 27.04.2026

Between :

Varikota Ramgopal.

... Petitioner

AND

The State of Telangana, rep., by its Secretary,
Legal Affairs, Legislative Affairs & Justice
Secretariat, Hyderabad and three others.

... Respondents.

ORDER:

This Writ Petition is filed under Article 226 of the
Constitution of India seeking the following relief:

*“...To issue a Writ of mandamus nature of Writ
of Mandamus declaring the action of the
Respondents in not considering first panel of
Advocates to be appointed as Law Officers in
various courts at Jangaon District and
considering other panels without any notice to
the Bar Association against its valid
cancellation or return, which is creating
conflicts and affecting our professional life, as*

illegal and violative of Article 21 of Constitution of India and consequently direct the respondents to consider the first panel of advocates for the post of GP.....”

2. Heard Mr. C.M.R. Velu, learned Counsel for the petitioner and learned Assistant Government Pleader for Legislative Affairs appearing for respondent No.1, learned Government Pleader for Revenue appearing for respondent No.2 and Mr.K. Laxmaiah, learned Counsel appearing for respondent No.4.

Facts of the Case:

3.1. Briefly stated, the relevant facts are that the petitioner is a senior Advocate with considerable professional experience and has served as Assistant Government Pleader for various Courts at Jangaon during the periods 2011-2014 and 2018-2024, including holding additional charge of District Courts.

3.2. Pursuant to a notification inviting proposals for preparation of a panel for appointment as Government Pleader for the Court of the Principal District Judge, Jangaon, the District Judge and the District Collector duly recommended the petitioner's name along with other eligible candidates based on merit and seniority. The said panel was accordingly submitted to the Law Department.

3.3. However, subsequently, without cancelling or superseding the earlier panel and without issuing any notice to the petitioner, the respondents allegedly prepared a second panel excluding the petitioner's name and including advocates with comparatively lesser experience. The petitioner contends that such action is arbitrary, violative of established procedure, and contrary to G.O.Ms. No.187, Law Department, dated 06.12.2000, particularly as no fresh applications were invited.

3.4. The petitioner further contends that despite submitting an application under the Right to Information Act seeking reasons for deletion of his name from the panel, no response was furnished. Representations made to the competent authorities also failed to yield any remedial action, thereby constraining the petitioner to approach this Court seeking appropriate relief.

Pleadings of the Petitioner:

4.1. The petitioner contends that the action of the respondents in disregarding the duly constituted first panel and preparing a subsequent panel is wholly arbitrary, illegal, and violative of Article 14 of the Constitution of India, as it lacks fairness, transparency, and reasonable classification. It is further pleaded that such action infringes Article 21 of the

Constitution, as it adversely affects the petitioner's right to livelihood and professional reputation.

4.2. The petitioner asserts that the respondents acted in clear violation of the procedure prescribed under the relevant Government Orders by preparing a fresh panel without cancelling the earlier valid panel and without issuing any fresh notification or calling for applications. It is also contended that the impugned action is in breach of the principles of natural justice, as no notice or opportunity of hearing was afforded to the petitioner prior to his exclusion from the second panel.

4.3. The petitioner further submits that the preparation of multiple panels and subjecting candidates to repeated consideration is contrary to established norms governing such appointments. According to the petitioner, the entire process is non-transparent and appears to be influenced by extraneous considerations, thereby rendering the decision making process arbitrary and unsustainable in law.

4.4. It is also pleaded that the respondents failed to act in a fair, reasonable, and bona fide manner in the discharge of their duties. In these circumstances, the petitioner seeks issuance of a writ of mandamus declaring the action of the respondents in disregarding the first panel and preparing a second panel as

illegal, and consequently directing the respondents to consider the first panel, including the candidature of the petitioner, for appointment.

Pleadings of the Respondents:

5.1. Respondent No.1, in the counter-affidavit, submits that the writ petition is not maintainable in law, as it pertains to matters falling within the domain of administrative and executive discretion, particularly in the appointment of law officers. It is contended that the petitioner was discontinued from service in terms of G.O.Rt. No.354, Law Department, dated 26.06.2024, pursuant to a policy decision of the Government which has been upheld by competent courts.

5.2. It is further alleged that the petitioner has suppressed material facts relating to the pendency of a criminal case against him. According to Respondent No.1, the revised panel was prepared strictly in accordance with Government policy and after due verification of the antecedents of the candidates. Upon such verification and policy consideration, the revised panel was finalized, and Respondent No.4 was duly appointed as Government Pleader vide G.O.Rt. No.565 dated 15.09.2025.

5.3. It is contended that the process was conducted in a lawful and transparent manner. Respondent No.1 further

submits that mere inclusion of a candidate's name in a panel does not confer any enforceable or vested right to appointment, and that such appointments are governed by executive discretion exercised in accordance with applicable rules and guidelines, including G.O.Ms. No.187. It is therefore submitted that the impugned action is justified, does not suffer from arbitrariness, illegality, or mala fides, and the writ petition is liable to be dismissed.

6.1. Respondent No.2, in the counter-affidavit, submits that the present writ petition challenges an administrative process undertaken in accordance with Government policy and is therefore not amenable to interference under writ jurisdiction. It is contended that the petitioner was discontinued from service pursuant to G.O.Ms. Nos.353 and 354, Law (G) Department, dated 26.06.2024, following which, the process for preparation of a fresh panel was initiated in accordance with Government directions.

6.2. It is further submitted that the District Collector, acting in compliance with such directions, initially prepared a panel which was forwarded for verification. Upon receipt of verification reports, adverse antecedents were noted, including those pertaining to the petitioner. Consequently, in accordance with

Government instructions, a revised panel was sought and duly furnished by the competent authority, resulting in the exclusion of the petitioner and the appointment of Respondent No.4.

6.3. Respondent No.2 reiterates that mere inclusion in a panel does not confer any vested or enforceable right to appointment and that such inclusion is always subject to verification of antecedents and assessment of suitability. It is further submitted that the revision of the panel was carried out on valid grounds and that the exclusion of the petitioner was justified in light of the adverse reports. The entire process, according to Respondent No.2, was conducted in a fair and transparent manner without mala fides or procedural irregularity. Accordingly, dismissal of the writ petition is sought.

7.1. Respondent No.4, in her counter affidavit, submits that she is a duly qualified and practicing advocate who has been lawfully appointed as Government Pleader for the Court of the Principal District Judge, Jangaon, vide G.O.Rt. No.565 dated 15.09.2025. It is contended that the revised panel was prepared by the Government in exercise of its policy powers after due verification of antecedents and in compliance with the prescribed procedure, and that her name was included based on merit and suitability.

7.2. The exclusion of the petitioner from the panel is stated to be on account of unsatisfactory antecedents and relevant policy considerations, and does not suffer from any illegality. It is further contended that mere inclusion in a panel does not confer any vested or enforceable right to appointment, and that such appointments fall squarely within the realm of executive discretion.

7.3. Respondent No.4 asserts that the revised panel is valid, having been prepared on the basis of proper verification, and that her appointment has been made strictly in accordance with law. It is also contended that there is no violation of Articles 14 and 21 of the Constitution, as the process adopted is fair, reasonable, and non-discriminatory. The allegations made by the petitioner are denied as unfounded and untenable. Accordingly, dismissal of the writ petition is prayed for.

Rejoinder of the Petitioner:

8.1 In rejoinder, the petitioner reiterates that inclusion in the first panel establishes his eligibility, merit, and suitability. It is contended that the first panel, having been duly finalized and forwarded on 30.09.2024, could not have been ignored without formal cancellation or supersession in accordance with law.

8.2. The petitioner asserts that no such cancellation of the first panel was effected prior to preparation of the revised panel. On the contrary, the revised panel was prepared in undue haste within a short span, i.e., on 08.10.2024, indicating arbitrariness and lack of bona fides. It is further submitted that no notice was issued and no fresh applications were invited prior to such revision.

8.3. The petitioner denies the allegations regarding adverse antecedents, asserting that they are baseless and have been invoked only to justify his exclusion. It is further alleged that there has been selective and discriminatory treatment in the verification process, with similarly situated candidates being treated unequally.

8.4. The petitioner contends that the impugned action suffers from non-observance of principles of natural justice, non-application of mind, and violation of prescribed procedure under G.O.Ms. No.187. It is also asserted that the petitioner had a legitimate expectation of fair consideration based on his inclusion in the first panel, which has been unjustifiably defeated. Accordingly, the petitioner prays for allowing the writ petition.

Issue for determination:

9. In light of the rival submissions, the issue that arises for consideration is whether the action of the respondents is arbitrary and violative of established principles of administrative law.

Analysis and conclusion:

10. It is well settled in *Shankarsan Dash v. Union of India* (1991) 3 SCC 47 that mere inclusion of a candidate's name in a select panel does not confer an indefeasible right to appointment. However, it is equally settled that the process of selection must be fair, non-arbitrary, and in consonance with Article 14 of the Constitution of India.

11. The procedure governing the appointment of Law Officers is regulated by G.O.Ms. No.187, Law Department, dated 06.12.2000. A careful reading of the said Government Order reveals that the process is not one of open recruitment but a structured consultative mechanism involving the District Collector and the District & Sessions Judge. The relevant provisions, inter alia, stipulate that:

- (a) The District Collector shall prepare a panel of eligible advocates after ascertaining the views of the District & Sessions Judge;
- (b) The recommendation must include detailed particulars such as standing at the Bar, nature of practice, antecedents, professional competence, and general reputation;
- (c) The Government, upon receipt of such panel, may appoint one among the empanelled candidates or call for a fresh panel;
- (d) Eligibility criteria, including minimum standing at the Bar, are prescribed;
- (e) The selection must primarily be based on merit and suitability, subject to considerations of equitable representation.

12. Thus, the scheme clearly indicates that the process is structured, guided, and regulated, and not left to unfettered discretion. While the ultimate appointment lies within the executive domain, such discretion is circumscribed by procedural safeguards and the requirement of fairness.

13. From the statutory framework, it is evident that the role of the District Judge and the District Collector is recommendatory in nature. The process does not contemplate a general recruitment procedure involving public advertisement and open competition. Rather, it envisages identification of suitable candidates based on professional assessment.

14. However, even within such a framework, the exercise of power must conform to settled principles of administrative law. The absence of a formal recruitment process does not dilute the obligation of the State to act fairly, transparently, and reasonably. Any deviation from the prescribed procedure or arbitrary exercise of discretion would render the action vulnerable to judicial review.

15. The Government, though vested with discretion either to appoint from the panel or call for a fresh panel, must exercise such discretion on cogent, rational, and legally sustainable grounds. The power to seek a fresh panel cannot be exercised in an arbitrary manner so as to defeat an already completed process without justification.

16. The constitutional mandate of fairness in State action has been firmly established in *Maneka Gandhi v. Union of India*, AIR 1978 SC 597, wherein the Hon'ble Supreme Court held that

arbitrariness is antithetical to equality and that every State action must be just, fair, and reasonable. Further, in *Union of India v. Hindustan Development Corporation*, AIR 1994 SC 988, the doctrine of legitimate expectation was recognized as a facet of non-arbitrariness, ensuring that administrative decisions do not defeat the reasonable expectations of individuals arising from consistent practice or representation. Similarly, in *Ramana Dayaram Shetty v. International Airport Authority of India*, (1979) 3 SCC 489, it was held that even in contractual or administrative matters, the State cannot act arbitrarily and must adhere to standards of fairness and equality.

17. Applying the above principles to the present case, the aspects assume significance is that the petitioner's name was included in the first panel, which was duly processed and forwarded to the Government; the antecedent verification report, including reference to a pending private complaint, was already available at the time of forwarding the first panel; despite such knowledge, the petitioner's name was recommended, thereby indicating that the authority did not consider the said antecedent to be disqualifying at that stage. Subsequently, within an unusually short span of time, the respondents initiated the process for preparation of a revised panel.

18. The timeline reveals communication seeking a fresh panel on 07.10.2024; submission of revised panel by the District Judge on 08.10.2024; immediate forwarding for antecedent verification and receipt of report within two days; finalization and submission of the second panel within an extremely compressed timeframe.

19. This sequence of events raises serious doubts regarding the genuineness and fairness of the process. The prior knowledge of the alleged antecedents, coupled with their acceptance in the first panel, renders the subsequent reliance on the same ground for exclusion prima facie arbitrary and inconsistent.

20. Moreover, there is no material placed on record to demonstrate that the first panel was formally superseded; reasons were recorded for discarding the earlier panel; any opportunity was afforded to the petitioner to explain or respond to the alleged adverse material. The absence of these essential procedural safeguards vitiates the decision-making process.

21. In view of the above analysis, this Court is of the considered opinion that although the petitioner does not possess a vested or enforceable right to appointment, as held in *Shankarsan Dash* (supra), he nevertheless has a constitutional

right to fair, transparent, and non-arbitrary consideration in the selection process. The action of the respondents in disregarding the first panel and preparing a revised panel in a manner suggestive of undue haste is arbitrary, violative of Article 14 of the Constitution of India, and contrary to the principles of natural justice.

22. Consequently, the impugned action of preparing the revised panel is liable to be set aside to the limited extent it affects the petitioner's right of consideration for appointment to the post of Government Pleader, Principal District Court, Jangaon and accordingly ordered.

23. In effect, the respondents are directed to:

- I. Reconsider the process of appointment to the post of Government Pleader, Principal District Court, Jangaon, strictly in accordance with law, G.O.Ms. No.187, and applicable constitutional principles;
- II. Afford a fair and reasonable opportunity to all eligible candidates, including the petitioner and the respondent No.4;
- III. Undertake the process in a transparent and non-arbitrary manner.

