

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

THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT PETITION NO.36451of 2025

20TH THE DAY OF JULY, 2026

Between:

Center for Better Governance

...Petitioner

AND

State of Telangana and 3 others

...Respondents

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue an order, direction or a Writ more particularly one in the nature of Writ of Quo Waranto declaring the impugned G.O.Rt.No. 206 dated 15.07.2025 issued by the State of Telangana, Youth Advancement, Tourism and Culture Department, Telangana Secretariat, Hyderabad as ultra vires to the extent of Governing Council Power vested under Rule 6 (XV) of the Rules and Regulations of National Institute of Tourism and Hospitality Management, Hyderabad, besides being arbitrary, illegal and violative of Article 14 and 16 of the Constitution of India and consequently set aside the same and direct the 1st respondent to remove the 4th respondent from the post of Director of the 3rd Respondent Institution forthwith and also reimburse the complete pay and allowances drawn by the 4th Respondent from the 3rd Respondent Institute and”

2. Heard Sri T. Koteswara Rao, learned counsel for the petitioner, learned Government Pleader for Tourism for respondent No.1, learned Deputy Solicitor General of India for respondent Nos.2 and 3 and Sri Vadeendra Joshi, learned counsel for respondent No.4. Perused the record.

3. The brief facts of the case are that the petitioner is a Non-Governmental Organization registered as a society with the objective of promoting transparency, accountability, and good governance in public affairs. The petitioner endeavours to safeguard the principles of corruption free administration and to ensure equality of opportunity in public employment. The G.O.Rt.No.206 dated 15.07.2025 was issued by respondent No.1 appointing respondent No.4 as Director of respondent No.3 Institution. Said order is issued in colourable exercise of power by the State Government without any justification and therefore, writ petition seeking quo warranto is filed for removal of respondent No.4 from the directorship of respondent No.3. The respondent Nos.1 and 2 established respondent No.3 with a 50-50 joint venture for high standard education in tourism and hospitality sector. The power of general superintendence, direction and control of respondent No.3 is vested in its Governing Council of representatives. As per Rule 6(xv) of Rules and Regulations of National

Institute of Tourism and Hospitality Management, posts can be created by the Governing Council on temporary, permanent, ad-hoc or contractual basis. Further, the Governing Council determines the terms and conditions of service of such employees and method of employment. The respondent No.1 has appointed respondent No.4 as Director of respondent No.3 vide G.O.Rt.No.206 dated 15.07.2025, without having power to do so. As per earlier notifications dated 13.05.2015 and 14.10.2015, the experience needed for said post is First Class Degree in Master Degree in Tourism or Hospitality or Travel, Ph.D in Tourism or Hospitality, Post Ph.D publications and guiding Ph.D students is desirable, preference would be given to candidates having Ph.D in tourism or hospitality and age must not exceed 55 years. The respondent No.4 holds M.B.A and a Ph.D in Management and was serving in School of Management at University of Hyderabad. The respondent No.4 lacks basic academic qualifications or professional experience in Tourism, Hospitality or Hotel Management which is the core domain of respondent No.3 Institution. Since there is no nexus between academic qualifications or past service and the statutory requirements, the appointment of respondent No.4 is unsustainable. In short, the respondent No.4 lacks functional and domain-specific requirements for the Director's post of respondent No.3 Institution. Respondent No.3 survives

from the tuition fee received from students and training programs. Its entire workforce is purely contractual basis, provided only meager remuneration and maximum being Rs.85,000/-, without any statutory or other employment benefits. Many contractual employees have provided services for more than a decade, and yet they have been deprived of regularisation. Such contractual engagement is a violation of fundamental rights under Article 14 and 21 of Constitution of India. Such being the status of respondent No.3 organization, respondent No.4 was appointed by the impugned G.O.Rt.No.206 dated 15.07.2025 and draws pay and other allowances of Rs.4,00,000/- to Rs.5,00,000/- per month which is in stark contrast to the remuneration of other employees. The Comptroller and Auditor General (CAG) in an audit report dated 20.10.2023 made adverse observations with respect to irregularities and favouritism in the appointment of former Director of respondent No.3 organization. Despite the same, the present appointment has been made. The petitioner submitted representation dated 05.11.2025 about illegal and arbitrary issuance of G.O.Rt.No.206 dated 15.07.2025 requesting said G.O to be withdrawn. There was no action, leading to filing of the writ petition.

4. The primary grievance of the petitioner is that respondent No.4 does not have required qualifications to hold the post of Director of respondent No.3 organization and his appointment smacks of favouritism, illegality and malefides and therefore, filed writ petition to issue writ of Quo Warranto declaring the impugned G.O.Rt., as arbitrary and illegal.

5. The respondent No.4 filed counter questioning the petitioner's case which is filed under the guise of public interest questioning the administrative decision of respondent No.3, that too in service and appointment matters. Respondent No.4 denied G.O.Rt.No.206 dated 15.07.2025 issued in colourable exercise of power and claimed to have wide experience and academic credentials that make him ideal candidate to lead the institution. The Superintendence and control of NITHM is vested with the Governing Council and the rule quoted by the petitioner is applicable to creation of posts but not filling up of the posts. The respondent No.4 stated that the petitioner ignored the regulatory framework under which respondent No.3 Institute functions including Rule 6(xv) of Rules and Regulations of NITHM in matters of appointment of Director, but confers power to create posts. The respondent No.4 pleaded that the petitioner referred to qualifications mentioned in old recruitment notifications dated 13.05.2015

and 14.10.2015, which were issued only for direct recruitment and not for deputation appointments. Said notifications are not statutory rules and they do not have binding force on the Government. Deputation appointments are fundamentally different from direct recruitment both in purpose and criteria. For deputation, overall administrative suitability, experience, and service record are taken into consideration, but not the academic qualifications prescribed for direct recruitment. The respondent No.4 was appointed through deputation which process is governed by principles of administrative suitability and experience, but not strict academic equivalents. A Master's Degree in Management is expressly recognized for eligible qualification i.e., respondent No.4 meets the prescribed qualification even as per petitioner's own document. The Ph.D related criteria is only desirable but not mandatory. The respondent No.4 pleaded that the appointing authority considered his service credentials, found a clear rational nexus between his qualifications and experience, and thereafter, proceeded to appoint him as Director. His qualifications being unconcerned with the functional requirements of Director post is denied. The respondent No.4 denied all adverse allegations against his eligibility and requirement for appointment to the post of Director as false. Further, any observations made by CAG with respect to appointment of Directors in the past has no nexus with his

appointment as Director of respondent No.3. The petitioner intentionally relied upon past isolated instance to cause stigma in the present case. The Governing Council has power to appoint in addition to power of creating post and appointment thereof. The G.O.Rt.No.206 dated 15.07.2025 was issued within the power of the Issuing Authority. The respondent No.4 denied disproportionate salary being paid to him in contrast to the salary and emolument of other employees. The pay and perks are attached to the post of Director and sanctioned as per norms set out by the 7th Pay Commission on the basis of seniority, managerial responsibilities, and administrative duties. The respondent No.4 pleaded that he possesses required qualifications and also published a book on Tourism and Hospitality. The University of Hyderabad permitted respondent No.4 to proceed on extraordinary leave for taking up the assignment, demonstrating institutional approval and full protection of service. In the circumstances, the writ petition is devoid of merits and is liable to be dismissed.

6. The petitioner filed a rejoinder affidavit claiming that respondent No.1 lacks legal competence to issue the impugned G.O.Rt.No.206 dated 15.07.2025 since the power of creating post and method of appointment is exclusively vested in the Governing Council. Further, it is pleaded that

respondent No.3 is an autonomous society whose Governing Council is vested with the power of creation of posts, laying down terms and conditions of service and prescribe the method of appointment. The respondent No.1 has no independent power under the Society's Bye-laws to appoint respondent No.4 i.e. by issuing G.O.Rt.No.206, respondent No.1 bypassed Governing Council, acted without jurisdiction and also violated the institutional autonomy. In the entire process of appointment, there is lack of transparency. The claim of respondent No.4 that deputation does not require essential academic qualifications is false. According to the petitioner, even for deputation, a candidate must possess First Class Master's Degree in Tourism or Hospitality and Ph.D in the same. It is further emphasized that there is flagrant violation of DoPT Office Memorandum No.6/8/2023-Pers.Policy dated 15.03.2024 which governs the conditions and tenure of deputation of employees of Central Government's Central Universities. The respondent No.4 who is employed with Hyderabad Central University was on continuous deputation from 07.08.2017 up to 15.10.2024 for over 7 years when the mandatory ceiling is 5 years. By accepting new deputation without mandatory 'cooling-off' period, respondent No.4 and respondent No.1 are acting in defiance of established Central Government service norms. It is pleaded that there was no due diligence exercised in appointing respondent

No.4 as his track record shows that he was unceremoniously removed from the position of In-Charge Vice-Chancellor of RGUKT (IIT Basara) on 15.10.2024. The removal was a result of fallout of serious student unrest and grave allegations involving corruption, maladministration and nepotism. By ignoring such a track record, appointing respondent No.4 on the ground of administrative suitability is equivalent to bypassing the decision-making process. On account of the tainted track record of respondent No.4, the decision making process also stands tainted and strongly suggests element of nepotism. It is pleaded that there is violation of doctrine of independent application of mind in the appointment process, lack of transparent procedure and pre-determination, non-application of mind and that deputation is not a shield for ineligibility to waive the essential qualifications required for appointment. Lastly, it is pleaded that while long serving staff are denied Provident Fund and paid meager salaries, respondent No.4 draws Rs.4,00,000/- to Rs.5,00,000/- per month. The same is nothing but colourable exercise of power in a self-financing institution and therefore, sought issuance of writ of quo warranto.

7. The petitioner submitted synopsis restating the case made out in the writ petition, more particularly stating that the impugned G.O.Rt reveals that

the private respondent was granted leave without pay for a period of 3 years from 27.06.2025 by the previous employer University of Hyderabad, enabling him to be appointed as Director of respondent No.3. Petitioner further submits that appointment on deputation keeping the incumbent on leave in parent post is unheard of and that respondent No.3 is drawing two salaries from respondent No.3 Institute during the deputation period i.e., one is the leave salary and the second is the actual salary and the same is against law. In support of his case, the petitioner relied upon case of **Hari Bansh Lal v. Sahodar Prasad Mahto and others**¹, wherein it is held that except writ of quo warranto, public interest litigation is not maintainable in service matters. A writ of quo warranto lies when appointment is contrary to statutory provision. In the case of **Central Electricity Supply Utility of Odisha v. Dhobei Sahoo and others**², it is held that the High Court may issue writ of quo warranto when the person holding the public office lacks the eligibility criteria or when the appointment is contrary to statutory rules. In the case of **Gambhirdan K. Gadhvi v. State of Gujarat and others**³, it is held that strict rules of locus standi are relaxed to some extent in a quo warranto proceedings. As the quo warranto proceedings afford a judicial

¹ (2010) 9 SCC 655

² (2014) 1 SCC 161

³ (2022) 5 SCC 179

remedy by which any person, who holds an independent substantive public office or franchise or liberty, is called upon to show by what right he holds said office or franchise or liberty, so that his title to it may be duly determined. In W.P.No.12389 of 2024 challenging the appointment of Commissioner, Telangana Vaidya Vidhana Parishad, Hyderabad, a Co-ordinate Bench of this Court has acknowledged the locus standi of a petitioner who was a citizen and voter of Telangana to file a writ of quo warranto.

8. The learned counsel for respondent No.4 questioned the maintainability of a writ for issuance of quo warranto proceedings and locus standi of petitioner to challenge the appointment of respondent No.4. It is submitted that there is an attempt at misleading the court on the part of the petitioner who chose to file a writ petition instead of a public interest litigation. It is pleaded that the petitioner has no locus to question the appointment made by the Government. In that context, reference is made to the case of **B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Association and others**⁴, wherein, it is held that courts cannot question the Government's choice of appointee if the person meets the prescribed qualifications and eligibility. A third party not

⁴ (2006) 11 SCC 731 (2)

being a candidate not appointed has no locus standi to challenge the appointment. Further, in the case of **National Institute of Technology and another v. Pannalal Choudhury and another**⁵, it is held that ‘Ratification’ means validating an act already done by the maxim ‘Ratihabitio mandato aequiparatur’. A later approval is equivalent to prior authority retrospectively curing invalidity. In the case of **Neetu v. State of Punjab and others**⁶, it is held that in service matters, the court must ensure the petitioner's credentials, the seriousness and clarity of information, and guard against vague or reckless allegations aiming at undermining legitimate executive actions.

9. In response, the learned counsel for petitioner produced a copy of Office Memorandum issued by The Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India, with respect to deputation of Group ‘A’ Officers of the Central Government to State Government/UTs, Modification in guidelines to contend that the total period of deputation shall not exceed 5 years. Further, it is emphasized that the cooling-off period was not made applicable to respondent No.4. Also, newspaper clippings showing the student protests at

⁵ (2015) 11 SCC 669

⁶ (2007) 10 SCC 614

IIIT, Basara and removal of respondent No.4 from the post of VC are filed to demonstrate that there is no diligence on the part of the State Government in the appointment of the respondent No.4 as Director of respondent No.3 Institution. To sum up, it is stated that respondent No.4 lacks educational qualifications, experience and has tainted track record, which disentitles him to be appointed to the post of Director of respondent No.3.

10. The issue raised by the petitioner is to the effect that the appointment of respondent No.4 to the post of Director of respondent No.3 organization is in violation of mandatory rules set out in the Memorandum of Association and Rules and Regulations framed in the year September, 2001 for respondent No.3 society named National Institute of Tourism and Hospitality Management (NITHM), Hyderabad. As per said Memorandum of Association, Rule 6(h) deals with powers and duties of the council which shall have full functional autonomy and shall exercise a wide range of powers including the power to create permanent, temporary, ad-hoc or contractual posts for the Institute, lay down terms and conditions of service of such employees and method of employment. Also, the Institute shall cooperate and collaborate with other State level, National level and foreign institutions or international organizations in pursuit of its objectives. Coming

to the appointment of a chairman, Rule 11(a) lays down the appointment and terms of appointment. As per terms of appointment, the Chairman has to be a distinguished person from any walk of life relevant to Tourism and Hospitality Management and such appointment shall be made by the Governing Council. As per Rule 12, the Director has to be appointed by the Council. The qualifications and experience of a Director shall be decided by the Council. The tenure and terms and conditions of appointment of a Director also shall be determined by the Council. The relevant Rule No.12 is extracted and produced below:

“12. Director

(a) Appointment and Terms of Appointment

The director shall hold such qualifications and experience as the Council may decide. The Council shall appoint the Director. The term and terms and conditions of appointment shall be such as may be determined by the Council.”

11. This Rule 12(a) in clear terms stated that it is the Council which shall determine the qualifications and experience, it is the Council which shall appoint the Director and it is the Council which shall determine the tenure, terms and conditions of appointment. In the wake of Rule 12, the appointment of respondent No.4 has to be determined.

12. The respondent No.4 claims that the educational qualifications which were stipulated in the Direct Recruitment Notifications dated 13.05.2015 and 14.10.2015 are not applicable to the appointment made on the basis of deputation. The respondent No.4 claims that as per Extract dated 23.10.2023, the Comptroller and Auditor General has stated that the essential qualifications for the post of Director is First Class Degree in Tourism or Hospitality or Management and therefore, his Master's Degree in Management is recognized as an eligible qualification and therefore, his appointment satisfies the prescribed qualification. This contention of respondent No.4 is contrary to the Memorandum of Association and Rules and Regulations of NITHM. It is not for the Comptroller and Auditor General to determine the qualifications required for a person to be appointed as Director of NITHM. It is the Governing Council which has to determine the essential qualifications and experience required for a person to be appointed as Director. Thus, the opinion of Comptroller and Auditor General has no relevance to determine the qualification of respondent No.4 to be appointed as a Director as per the impugned G.O.Rt.No. 206 dated 15.07.2025. The Vice-Chancellor of University of Hyderabad has been informed by the Government that a decision is made to appoint respondent No.4 who is working as a Professor in the School of Management Studies,

University of Hyderabad (Central University) as Director of National Institute of Tourism and Hospitality Management as his experience and academic credentials make him an ideal candidate to lead the Institution. The appointment was to be on deputation basis for a period of (3) years, commencing from July 2025. The Registrar, University of Hyderabad vide his letter dated 26.06.2025 sanctioned Extraordinary leave to respondent No.4 for a period of 3 years to accept the appointment as Director of NITHM with the Leave Salary and Pension Contributions (LS & PC) to be remitted by NITHM. This entire sequence shows that the Government of Telangana has unilaterally decided to appoint respondent No.4 who was working as a Professor at Central University of Hyderabad as Director of respondent No.3 Institution with no role of the Council in such decision-making process.

13. The G.O.Rt.No.206 dated 15.07.2025 does not make any reference as to whether there was any request or recommendation by the Council seeking the Government to appoint a Director and whether such request and recommendation contained the required qualifications and experience criteria. In the absence of such a prior request or recommendation by the Council of respondent No.3 Institution for appointment of respondent No.4

as a Director, the only inference possible is that the State Government has unilaterally usurped the power of Council in determining the qualifications, experience, criteria and also identifying the candidate for the post of Director and proceeded to communicate with the Vice-Chancellor of University of Hyderabad directing him to grant Extraordinary leave for a period of (3) years to respondent No.4 for taking up the post of Director of respondent No.3. Such a course of action is clearly not in conformity with the rules and regulations of respondent No.3 Institution whose Governing Council is vested with the power and authority to appoint the Chairman and Director.

14. Further, respondent No.4 produced a Minutes of the meeting of 66th Governing Council dated 28.07.2025, wherein, the appointment of respondent No.4 is ratified by the Governing Council. Relevant extract is produced below:

“Item No.66.02: Ratification of appointment of Prof. V. Venkata Ramana as Director. NITHM: GC perused G.O.Rt.No.206, dt.15.07.2025 of YAT&C (T&PMU), GoTG appointing Prof.V. Venkata Ramana, Professor, School of Management Studies, University of Hyderabad as Director, NITHM for a period of three (3) years. The Chairman, NITHM & Spl. Chief Secretary to Government (FAC), YAT&C (T&PMU Dept.,) GoTG, introduced the new Director to the members of Governing Council.

Members expressed confidence that NITHM will grow greater heights in future under the leadership of Chairman and the Director.”

15. The above Minutes of the 66th Governing Council dated 28.07.2025 clearly demonstrate that the Governing Council had absolutely no role in determining the qualifications and experience of the Director. The entire process of choosing the candidate, his qualifications and experience was usurped by the Government of Telangana and a unilateral appointment is made. Said newly appointed Director was introduced to the Governing Council rather than the Governing Council appointing the Director. After the appointment of the Director vide G.O.Rt.No.206 dated 15.07.2025, on 28.07.2025 the appointment is ratified by the Governing Council. Such a process of the Governing Council ratifying the appointment of Director is not contemplated under Rule 12 of the Memorandum of Association and Rules and Regulations of Respondent No.3 Institution. Thus, the appointment of Director is clearly in violation of the procedure laid down in the Memorandum of Association of respondent No.3 Institution and therefore, unsustainable.

16. This Court is not inclined to venture into the other issues raised by the petitioner about respondent No.4 drawing two salaries or the salary

drawn by respondent No.4 vis-à-vis the Contract employees or his tainted background as is reflected in the newspaper clippings filed by the petitioner. Suffice it to say that the procedure employed by the Government of Telangana in appointing respondent No.4 as Director is contrary to the Memorandum of Association and Rules and Regulations of respondent No.3 Institution and therefore, such an appointment is not sustainable. Therefore, the appointment of respondent No.4 is liable to be set aside.

17. In the result, the writ petition is allowed setting aside the impugned G.O.Rt.No.206, dated 15.07.2025 issued by respondent No.1. Pending miscellaneous applications, if any, shall stand closed.

Date: 20.07.2026
GVL/GVR

RENUKA YARA, J