

(2025) 09 SC CK 0345

In the Supreme Court Of India

Case No : Civil Appeal Nos. 11018-11019 Of 2024 With Special Leave Petition (Civil) Nos. 10419, 11655, 12924, 12925, 21909, 21056 Of 2024, 314 Of 2025 With Writ Petition (Civil) No. 489 Of 2024

Usha Kiran Kshatri And Ors Etc

APPELLANT

Vs

State Of Telangana & Ors

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Constitution of India, 1950 — Article 14, 226, 233

Citation : (2025) 09 SC CK 0345

Hon'ble Judges : Dipankar Datta, J;Augustine George Masih, J

Bench : Division Bench

Advocate : Goli Rama Krishna, Vandana Sharma, Sadineni Ravi Kumar, Syed Ahmed Saud, Mohd. Parvez Dabas, Uzmi Jameel Husain, Daanish Ahmed Syed, Ashish Chandra Singh, M/s Shakil Ahmad Syed, Ritu Bhardwaj, Rajat Gaur, Amol Chitravanshi, S. Vinay Ratnakar, Kashapogu Suresh, Mrs. Divya Dokka, Ms. Aishwarya Sudhir, Nabab Singh, Nidhi Mittal, Agnish Aditya, Rahul Jangra, For Respondent(s) :Ms. Devina Sehgal, Kumar Vaibhaw, Srikanth Varma Mudunuru, Yatharth Kansal, G.vidya Sagar, Sr. Somanadri Goud Katam, Ms. Neha Agarwal, Vatsal Joshi, Sirajuddin, G Vidya Sagar, Sr. Venkata Raghuvamsy D., Rajendra Prasad Mourya, Y. Raja Gopala Rao, Gagan Gupta, Abhinay, Kirti Vyas, Sakshi Mani Tripathi, S. Vinay Ratnakar, Kashapogu Suresh, Syed Ahmed Saud, Mohd. Parvez Dabas, Daanish Ahmad Syed, Uzmi Jameel Husain, Mohammad Aadil Khan, M/s Shakil Ahmad Syed

Final Decision : Disposed Of

Judgement

Dipankar Datta, J

1. The present batch of civil appeals and special leave petitions 'SLPs' assail the common judgment and order of the High Court for the State of Telangana at Hyderabad 'High Court' dated 27th December, 2023 in Writ Petition Nos. 18002, 18842 and 18880 of 2023 as well as the common judgment and order of the High Court dated 2nd May, 2024 in Writ Petition Nos. 12527 and 12289 of 2024. Relying on the order dated 2nd May, 2024, one more writ petition, i.e., Writ

Petition No. 12886 of 2024, was decided by the High Court on 3rd May, 2024 which has also been challenged before us.

2. There is also a connected writ petition before us [W.P. (C) No. 489/2024], which has been presented seeking the relief of quashing the criterion for eligibility in the Telangana State Judicial Service Rules, 2023 '2023 Rules', Notification No. 87/2024-RC dated 10th April, 2024 and Notification No. R.O.C. No. 87/2024-RC dated 24th July, 2024, precluding the writ petitioners from appearing in the recruitment examination (written) in absence of certificate of enrolment from a Bar Association in the Telangana State. Direction was sought to the State and the High Court to permit the writ petitioners to appear in the Written Examination (Mains) for the post of Civil Judge (Junior Division) in the State Judicial Service even in the absence of the requisite certificate of being enrolled with a Bar Association in Telangana.

3. There were also intervention applications [IA No. 173072/2024, IA No. 169060/2024, IA No. 173271/2024 and IA No. 173128/2024 in SLP(C) No. 11655/2024], which have been filed seeking to implead certain writ petitioners before the High Court as co-petitioners. Such applications were allowed by the learned Chamber Judge vide order dated 30th September, 2024. Office Report dated 20th August, 2025 notes that upon such order, the applicants were made co-petitioners and the cause title has been amended.

4. The material facts are noted from the present appeals. These facts are indicative of all the matters before us. Briefly put, the facts are these:

a. The State of Telangana 'State' issued G.O. Ms. No. 59 dated 15th July, 2017 framing the Telangana State Judicial (Service and Cadre) Rules, 2017 '2017 Rules'. On 6th January, 2020, the State issued G.O. Ms. No. 31 effecting certain amendments to the 2017 Rules.

b. On 12th April 2023, the State issued Notification No. 180/2023-Rc inviting applications for appointment on 11 (eleven) posts of District Judge (Entry Level) by direct recruitment in the Telangana State Judicial Service. This notification posited that advocates practicing in the High Court or Courts working under the control of the High Court for 7 years would be eligible to apply.

c. Appellants/petitioners and others, perceiving that they possessed the requisite qualifications, offered their candidature by submitting applications in April 2023 for participating in the recruitment process.

d. The State issued Notification vide G.O. Ms. No. 36 dated 10th June, 2023, whereby special rules in the form of the 2023 Rules were introduced in supersession of the extant rules. Rule 5 (5.1) (a) of the 2023 Rules read as follows:

5. Eligibility for Direct Recruitment and Recruitment by transfer:

(5.1) District Judges (Entry Level) Direct Recruitment:

A person to be appointed to the category of District Judge by direct recruitment shall be:

(a) One who has been practicing as an Advocate in the High Court or Courts working under the control of the High Court for not less than 7 years as on the date of the notification.

Provided that a full time salaried Law Officer in the Employment of the Central Government or State Government or any Public Corporation or Body constituted by statute shall not be eligible for the post of District Judge. Rule 2(k) of the 2023 Rules reads as follows:

...

2. Definitions: In these Rules unless the context otherwise requires:-

...

(k) "High Court" means and includes High Court for the State of Telangana w.e.f. 02.06.2014;

...

e. The Registrar of the High Court issued a list vide Notification dated 3rd July, 2023. It contained a list of applicants who were rejected. Appellants/petitioners figured in such list. The common reason for rejection of their candidature was that they were not eligible to participate in the recruitment process in terms of Rule 5(1)(a) [sic. Rule 5(5.1)(a)] of the 2023 Rules.

f. Thoroughly dissatisfied with such rejection, the appellants/petitioners invoked the writ jurisdiction of the High Court by presenting petitions under Article 226 of the Constitution of India 'Constitution'.

g. By an order dated 12th July, 2023 passed on W.P. No. 18002 of 2023, the High Court granted interim relief permitting the appellants/petitioners to appear in the written examination scheduled to be held on 22nd July, 2023 and 23rd July, 2023.

h. Appellants/petitioners participated in the written examination and claim to have secured qualifying marks.

i. An Official Memorandum dated 16th October, 2023 was sent by the Registrar of the High Court to the appellants/petitioners with a request to appear for the oral interview (viva-voce).

j. The Registrar of the High Court filed a counter affidavit in W.P. No. 18880 of 2023 in November, 2023.

k. Vide the impugned common judgment and final order dated 27th December, 2023, the writ petitions filed by the appellants/petitioners were dismissed on the ground that:

i. The 2023 Rules are not in contravention of Article 233 of the Constitution;

ii. The 2023 Rules came to be enacted on 10th June, 2023 with retrospective effect from 01st January, 2023;

iii. 'High Court' as mentioned in Rule 2(k) of the 2023 Rules does not include other High Courts and refers only to the High Court of Telangana; and

iv. Since the appellants/petitioners are not practicing advocates in the High Court, they did not have the requisite seven years of experience and, therefore, could not contend that Rule 5(1)(a) [sic Rule 5(5.1)(a)] of the 2023 Rules was discriminatory, arbitrary, and violative of Article 14 of the Constitution.

5. Before we part with the facts, one other aspect is this. Those aspiring for appointment as Civil Judge (Junior Division) have approached this Court by presenting W.P. (C) No. 489 of 2024, as noted above. This Court by order dated 6th August, 2024, while issuing notice, permitted the writ petitioners to participate in the recruitment process initiated by the High Court by its notification dated 10th April, 2024, subject to such further orders as may be passed in these proceedings. However, the result of these writ petitioners were not to be declared pending further orders of this Court.

6. Learned senior counsel for the appellants, learned counsel for the petitioners in the SLPs, learned counsel for the writ petitioner, learned counsel for the intervenors, learned senior counsel for the High Court and learned counsel for the State were heard at some length. Multiple decisions were cited at the bar on either side. We had the occasion to peruse the same.

7. Looking at the said decisions and while reserving judgment on these appeals/SLPs/writ petition, learned senior counsel representing the High Court was requested by us to seek instructions on certain alternatives that were suggested with the rider that acceptance of the suggestion favourable to the appellants/petitioners/intervenors/writ petitioners would not be treated as a precedent.

8. Additional/Supplementary submissions on the behalf of the High Court having been filed in the Registry of this Court on 28th August, 2025, the same were subsequently circulated to us. The submissions note that after judgment was reserved, learned senior counsel apprised the High Court on the alternatives suggested. It is further revealed therefrom that the High Court has no objection to declare the results and to appoint such of the appellants/petitioners/intervenors who have qualified the 2023 recruitment examination for appointment as District Judges as an exceptional case without unsettling the 2023 Rules.

9. We appreciate the stand taken by the High Court and, accordingly, request the High Court to declare the results of the appellants/petitioners/intervenors and to proceed for verification of their credentials/antecedents. Such of the qualified appellants/petitioners/intervenors who are found suitable may be appointed by offering them letters of appointment, as a special case, as early as possible but not later than two months from date of service of a copy of this order on the

High Court. Needless to observe, this order is strictly confined to the facts and circumstances of the appeals and petitions before us and may not be treated as a precedent for future cases. It is also clarified that since the appointments are being offered acceding to a suggestion of this Court, the appellants /petitioners / intervenors, upon their appointment as District Judge shall not be entitled to claim any arrears of monetary benefits and their seniority shall be determined based on their dates of appointment, meaning thereby that those who have already been appointed shall rank senior to them.

10. There shall be similar direction for the writ petitioners who participated in the examination pursuant to the order dated 6th August, 2024.

11. Needless to observe, all question(s) of law raised before us is/are kept open.

12. The civil appeals, the SLPs and the writ petition are disposed of on the above terms. Parties shall, however, bear their own costs.