



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No. _____/2025
(@ SLP (C) No.11149/2020)**

THE TRANSMISSION CORPORATION
OF TELANGANA STATE LIMITED & ANR. ...APPELLANT(S)

VERSUS

CHUKKALA KRANTHI KIRAN & ORS. ...RESPONDENT(S)

WITH

C.A. No. _____/2025 (@ SLP(C) No. 11481/2020)

C.A. No. _____/2025 (@ SLP(C) No. 11170/2020)

C.A. No. _____/2025 (@ SLP(C) No. 12599/2020)

C.A. No. _____/2025 (@ SLP(C) No. 761/2021)

J U D G M E N T

Joymalya Bagchi, J.

2. 1st Appellant- Transmission Corporation of Telangana State Ltd.¹ has challenged the judgment and order dated 06.03.2020 passed by the Division Bench of the High Court at Telangana setting aside notification No. 519 dated 11.12.2017 cancelling the earlier notifications issued by erstwhile Transmission Corporation of Andhra Pradesh Ltd.² in 2011-12 as unsustainable, quashing the subsequent notification no. 05/2017 dated 28.12.2017 issued by 1st appellant proposing to initiate a fresh selection process for the post of Sub-Engineer (Electrical) and directing the appointment of the respondent-writ petitioners who were selected pursuant to the earlier notifications issued by the erstwhile AP-Transco.

Facts

3. AP-Transco was incorporated in 1998 as a wholly owned subsidiary of State of Andhra Pradesh for carrying on transmission and distribution of electricity in the State. On 15.12.2011 AP-Transco issued notification for recruitment of 339 Sub-Engineers in six (6) zones in the composite State of Andhra Pradesh.

¹ 'TS-Transco' for short.

² 'AP-Transco' for short.

4. The selection for the aforesaid posts was to be made from open candidates and in-service (contractual) candidates on a scale of 100 marks with a maximum of 55 marks for written exam and 45 marks for in-service experience. The written examination was held on 15.04.2012. For the in-service candidates additional weightage of two and half marks (2 ½ marks) for six months' service up to 45 marks was prescribed. This weightage was challenged before the High Court in W.P No.3753 of 2012 and batch.
5. A Single Judge of the High Court by common order dated 09.12.2013 restricted the weightage for experience up to 20 per cent and directed two marks for every completed year of service.
6. The matter was carried in appeal³ and the Division Bench vide orders dated 03.06.2014 and 25.07.2014, while upholding the weightage as prescribed by the Single Judge directed AP-Transco to conduct a fresh written examination for 80 marks. AP-Transco unsuccessfully challenged the order before the Apex Court⁴.

³ In Writ Appeal No.110 of 2014 and Batch.

⁴ SLP(C) CC No. 20284 of 2014.

7. Meanwhile, on 02.06.2014 composite State of Andhra Pradesh was re-organized in terms of Andhra Pradesh Reorganisation Act, 2014⁵. Consequently, State of Telangana was carved out of the composite State of Andhra Pradesh. While operation of AP-Transco was confined to existing Andhra Pradesh, TS-Transco was incorporated on 02.06.2014 for the State of Telangana.

8. In view of the aforesaid developments, review petitions were filed by the distribution companies AP Southern Power and AP Central Power Ltd. before the Division Bench of the High Court for review of the orders dated 03.06.2014 and 25.07.2014 in light of the bifurcation of the State, resulting in organizational changes and impracticability of holding fresh examination as per the earlier notifications. By order⁶ dated 26.12.2014 the Division Bench disposed of the review petitions observing as follows:

“Once the distribution companies have undergone changes in light of bifurcation of the State, they cannot be compelled to proceed with the selection process, initiated earlier. They shall certainly have the liberty to take up the selection process in accordance with law and their present area of operation.”

⁵ Hereinafter, AP Reorganisation Act.

⁶ Review W.A.M.P. No. 4158 of 2014 in W.A.No.610 of 2014 and WAMP No. 4180 of 2014 in W.A.No.110 of 2014.

9. Some candidates who had appeared in written test conducted by erstwhile AP-Transco also took out review petitions, *inter alia*, seeking review of the decision to undertake a fresh examination in the earlier selection process. The Division Bench by order⁷ dated 13.10.2017 clarified as follows:

“The order under review is set-aside to the limited extent the Division Bench had, by its order in W.A. No. 110 of 2014 and batch dated 03.06.2014, directed that a fresh written examination be conducted by the respective distribution companies for the respective posts for 80 marks, informing all candidates at least four weeks in advance before conducting the examination; and for completion of the entire process within a period of 6 months. While we express no opinion on the decision which the respondents should take pursuant to the order now passed by us, suffice it to make it clear that our order shall not be understood as a mandamus to either the Transmission Corporations or the Distribution Companies to proceed with the selection process undertaken pursuant to the earlier notifications of the years 2011 and 2012, or to make appointment pursuant thereto, as these are all matters for the Transmission Corporations and the Distribution Companies to consider. The respondents, in these review petitions, shall take a decision on the selections made, pursuant to the notifications issued in the years 2011 and 2012, in accordance with law with utmost expedition and, in any event, within four months from the date of receipt of a copy of this order.”

10. Thereafter, the TS-Transco took a policy decision not to proceed with the earlier selection process undertaken by the erstwhile AP-Transco for the combined State and issued notification dated 11.12.2017 declaring the earlier notifications dated

⁷ Review W.A.M.P. No. 4180 of 2017 in W.A.No.110 of 2014.

15.12.2011, 16.01.2012 and 26.02.2012 to have lapsed. On an assessment of its altered requirements on 28.12.2017 TS-Transco issued another notification for a fresh selection process to recruit 174 Sub-Engineers (Electrical) in the State of Telangana. Taking note of the legitimate expectations of the candidates who had appeared in the earlier selection process, the age limit for participating in the new selection was extended to 44 years. We are informed most of the writ petitioners participated in the new selection process and had been selected.

11. After the initiation of the fresh selection process, respondents have assailed notification dated 11.12.2017 cancelling the earlier notifications issued by erstwhile AP-Transco as well as the subsequent notification dated 28.12.2017 for fresh selection in Writ Petition No. 3153 of 2018, 6165 of 2018 and 14985 of 2018.

Findings of the High Court

12. Division Bench hearing the writ petitions formulated the following issues:

- (a) Whether the petitioners who appeared in the written examination pursuant to the notifications issued on 15.12.2011, 16.01.2012 and 26.02.2011 and qualified therein are entitled to insist that they must be appointed pursuant to the said selection?*
- (b) Whether the decision of the T.S. Transco in T.O.O. (CGM-HRD) Rt.No.519 dt. 11.12.2017 to declare that the above referred notifications issued*

prior to 02.06.2014 for direct recruitment of Sub Engineer (Electrical), Junior Assistant and Junior Linemen posts with reference to the Zones of Telangana are deemed to have lapsed?

- (c) *Whether Notification No.5/2017 dt. 28.12.2017 issued by T.S. Transco proposing to fill up posts of Sub-Engineer (Electrical) is sustainable or not?*

13. Division Bench answered the issues as follows:

Issues (a) and (b) :-

77. *“Accordingly, we hold that there is no valid reason existing for issuance of T.O.O. (CGM-HRD) Rt.No.519 dt.11.12.2017 by the TSTRANSCO stating that the pre-2014 notifications issued by APTRANSCO on 15.12.2011, 16.01.2012 and 26.02.2012 have lapsed. However, since the instant cases relate to only to cases of candidates who aspire for posts of Sub-Engineers (Electrical) only, we would grant relief only as regards the said posts and not other posts such as Junior Lineman or Junior Assistant.*

78. *Therefore, we hold on point (b) that the decision of the T.S. TRANSCO in T.O.O. (CGM-HRD) Rt.No.519 dt. 11.12.2017 declaring that the above referred notifications issued prior to 02.06.2014 for direct recruitment of Sub Engineer (Electrical), with reference to the Zones of Telangana are deemed to have lapsed, is unsustainable and accordingly we set it aside and direct the TSTRANSCO to continue the process of selection to the said post of Sub-Engineer (Electrical) pursuant to the Notifications issued by the erstwhile APTRANSCO on 15.12.2011, 16.01.2012 and 26.02.2012 and issue appointment letters to all selected candidates including the Writ Petitioners subject to their meeting all other eligibility conditions.”*

Issue (c) :-

79. *“As a result of our findings on points (a) and (b), we hold that on point (c) that Notification No.5/2017 dt.28.12.2017 issued by T.S.TRANSCO proposing to fill up posts of Sub-Engineer (Electrical) is unsustainable.”*

Conclusion:-

80. *“Accordingly, the Writ Petitions are allowed; and the action of T.S. TRANSCO in T.O.O. (CGM-HRD) Rt.No.519 dt. 11.12.2017 declaring that the above referred notifications issued prior to*

02.06.2014 for direct recruitment of Sub Engineer (Electrical), with reference to the Zones of Telangana are deemed to have lapsed, and Notification No.5/2017 dt. 28.12.2017 issued by T.S. TRANSCO proposing to fill up posts of Sub-Engineer (Electrical) are illegal, arbitrary and violative of Article 14 of the Constitution of India; they are accordingly set aside; and we direct the TSTRANSCO to continue the process of selection to the said post of Sub-Engineer (Electrical) pursuant to the Notifications issued by the erstwhile APTRANSCO on 15.12.2011, 16.01.2012 and 26.02.2012 and issue appointment letters to all selected candidates including the Writ Petitioners subject to their meeting all other eligibility conditions. No costs.”

Analysis

14. We have heard Mr. Gourab Banerji, learned senior counsel for the appellant TS-Transco and Mr. B. Adinarayana Rao, learned senior counsel for the respondent-writ petitioners.
15. An earlier selection process for recruitment of 339 Sub-Engineers had been undertaken by erstwhile AP-Transco for the combined State of Andhra Pradesh. The selection process suffered a jolt as the open candidates challenged the weightage of 45 marks given to in-service candidates. The Single Bench as well as the Division Bench reduced the weightage to 20 marks which was not interfered with by this Court. AP-Transco was directed to conduct a fresh written test in light of the revised weightage scheme.
16. Due to such litigation the selection process could not be completed and in the meantime on 02.06.2014, State of

Andhra Pradesh was bifurcated into the State of Telangana and the State of Andhra Pradesh. TS-Transco was incorporated to cater to the State of Telangana while the jurisdiction of erstwhile AP-Transco was restricted to the State of Andhra Pradesh. After the bifurcation, review petitions were filed by the distribution companies before the Division Bench to clarify the orders dated 03.06.2014 and 25.07.2014 which had reduced the weightage with regard to the earlier selection process vis-à-vis in-service candidates and had directed a further written examination. It was pointed out on behalf of the distribution companies that post-bifurcation the requirements needed to be re-assessed and fresh selection process may be undertaken. Candidates also sought review of the orders directing fresh examination. As the transmission/distribution companies as well as the aspiring candidates were in agreement that fresh examination need not be conducted and taking note of the changed scenario in light of the bifurcation of the State, the Division Bench by orders dated 26.12.2014 and 13.10.2017 clarified that no fresh examination with regard to the earlier selection process was necessary and the said orders need not be treated as a mandamus upon the

transmission/distribution companies to proceed with the selection process undertaken as per the earlier notifications.

17. Pursuant to such clarification, the 1st appellant TS-Transco by notification dated 11.12.2017 cancelled the earlier selection process and issued a new notification dated 28.12.2017 for recruitment of 174 Sub-Engineers for the new State of Telangana.
18. These notifications were challenged by respondent-writ petitioners who contended that the decision to scrap the earlier selection process was arbitrary and unreasonable. The High Court concurred with the writ petitioners and came to a finding that the decision to cancel the earlier selection process was unsustainable. While doing so the High Court had discussed relevant file notings culminating in the impugned decision as follows:

" The file produced contains a note put up to the Board of the TSTRANSCO which mentions that the notifications were issued during 2011-12 for Direct Recruitment of Sub-Engineer, Junior Assistant (Accounts) and Junior Lineman; the modalities of giving 45% weightage to in-service contract labour; challenge thereto in the High Court and the order dt.03.06.2014 in the batch of Writ Petitions reducing the weightage from 45 to 20 marks; the bifurcation of the erstwhile APTRANSCO into APTRANSCO and TSTRANSCO w.e.f. 02.06.2014; opinion of the Counsel of the TSTRANSCO; order dt. 13.10.2017 in Rev. W.A.M.P. No.4180 of 2014 and batch in W.A.Nos.110 of 2014 and batch; and in para no.5 abruptly states :

"5. In the light of the above judgment, the issue was discussed in TSPCC meeting on 27.11.2017 and it was decided to issue fresh notification for the vacancies available as on to-day as per requirement. The earlier notifications, if any, issued prior to 02.06.2014 are deemed to have been lapsed."

19. Referring to the aforesaid notings the High Court held:

"66. It is shocking that both TSTRANSCO and APTRANSCO acted as if this Court gave a license to them to cancel the selections pursuant to the said notifications as per their whims and fancies and hide behind the said order dt. 13.10.2017 in Rev. W.A.M.P.No.4180 of 2014 and batch in W.A.No.110/2014 and batch."

20. We have examined the findings of the High Court in light of the relevant materials on record. The Division Bench had noted the well settled proposition of law that selected candidates do not have a vested right to appointment and no mandamus can be issued upon the employer to appoint from a select list. However, any decision not to fill up vacancies from a select list must be taken *bona fide* and for appropriate reasons.⁸

21. While so, in the factual matrix the Division Bench came to a finding that the decision to scrap the earlier selection process and undertake a new recruitment exercise was an unreasonable one. We are of the view such finding is erroneous and based on an incorrect appreciation of the file notings and

⁸ Shankarshan Dash v. Union of India (1991) 3 SCC 47.

the conclusion arrived thereto. A perusal of the observations regarding file notings in the impugned judgment would show TS-Transco took a policy decision to cancel the earlier selection process and initiate a new one considering the following factors:

- (i) Challenge to notifications issued in 2011-2012 on the ground of additional weightage to in-service candidates resulting in delay in conclusion of the selection process,
- (ii) Bifurcation of the State on 02.06.2014 in the meantime,
- (iii) Order dated 13.10.2017 passed in review petition⁹ wherein the High Court clarified there is no mandamus to proceed with the selection process under the 2011-2012 notifications.

22. The aforesaid factors clearly show the time-lag in concluding the earlier selection process undertaken in 2011-2012 due to pending litigations and the bifurcation of the composite State of Andhra Pradesh in the meantime. Post-bifurcation, TS-Transco was incorporated for the State of Telangana. Taking

⁹ Rev. W.A.M.P No. 4180 of 2014 and Batch.

note of these circumstances and liberty given by the High Court vide order dated 13.10.2017 to take an independent decision whether to continue or initiate a fresh selection process, TS-Transco decided to cancel the earlier selection process and initiate a new recruitment drive to cater to its altered needs and requirements in the new State of Telangana.

23. The High Court incorrectly held TS-Transco had cancelled the earlier selection process by treating order dated 13.10.2017 in review petition as a clear mandate. Reference to the said order must be understood in light of the preceding events recorded in the file notings particularly the delay in the earlier selection process and the bifurcation of the State giving rise to a re-assessment of human resource requirements in the new State, justifying a new selection process.

24. The High Court further reasoned, as the earlier selection had been made zone-wise for the composite State of Andhra Pradesh and three of six zones fell within the State of Telangana, there was no impediment for the successor TS-Transco to make appointments from the aforesaid select list pertaining to those three zones.

25. This argument is wholly fallacious. Though the combined State in the earlier notification was sub-divided into six zones, three out of which namely, Hyderabad Metro, Hyderabad Rural and Warangal fell in the State of Telangana, subsequent notification divided the new State of Telangana into two zones, namely North and South. Northern zone consisted of old districts of Hyderabad, Ranga Reddy, Medak, Mahabubnagar and Nalgonda whereas Southern zone consisted of Warangal, Adilabad, Karimnagar, Khammam and Nizamabad. In the earlier notification, number of candidates sought to be recruited for the erstwhile three zones (falling in the new State of Telangana) was 133, whereas the number of candidates proposed to be recruited in the new notification was 174 for the entire State sub-divided in two zones. Moreover, the proportion of local reservation was also altered from 80:20 (in the earlier notifications) to 70:30 (in the subsequent notification)¹⁰.

26. Given this situation, the fresh recruitment drive by no stretch of imagination can be construed as a continuation of the earlier recruitment process initiated in 2011-2012 for the combined

¹⁰ Notification No. 05/2017 dt. 28.12.2017 Part VIII Procedure for Selection, Note (a).

State of Andhra Pradesh justifying culling out candidates from the earlier select list pertaining to zones which fell within the new State of Telangana.

27. Mr. B Adinarayana Rao would argue that though the candidates in the select list did not have a vested right to appointment, their legitimate expectation of being considered in the subsequent selection process cannot be ignored.
28. It has been contended on behalf of the appellant-Transco such legitimate expectation was duly considered and vide notification dated 28.12.2017 adequate age relaxation was given so that scrapping of the earlier selection process does not unjustly deny any candidate the opportunity to participate in the new selection process. The High Court failed to consider the decision-making process from this perspective and sat in judgment over the sufficiency of accommodation given to the selected candidates in the subsequent selection.
29. It cannot be said that TS-Transco had not taken into consideration the legitimate expectation of candidates selected in the earlier selection process and had accommodated them by giving age relaxation so that they may participate in the new selection process. In fact, all the respondent-writ petitioners

availed of such opportunity and participated in the new recruitment process. A Court exercising judicial review cannot second guess the manner in which the authority would address the issue of legitimate expectation. Once the Court is satisfied that such issue had been taken into consideration and age relaxation given, its sufficiency or otherwise would not fall within the domain of judicial review.

30. Respondents have referred to *East Coast Railway v. Mahadeva Apparao*¹¹ to contend that mere age relaxation is not adequate solace in the event the decision to scrap the earlier selection is found to be flawed. The factual matrix in *East Coast* (supra) is clearly distinguishable. The Court in the cited case had held that the ground for cancelling the earlier selection process namely faulty typewriting test was merely speculative. On this premise, the decision to scrap the earlier test was held to be invalid. In the present case, the file notings (as set out in the impugned judgment) clearly indicate the intrinsic compulsions which prompted the cancellation of the earlier selection process and issuance of a fresh notification.

¹¹ (2010) 7 SCC 678

31. Respondents also argued that the appointments of candidates to two other posts, namely Junior Assistants and Junior Linemen undertaken in terms of the earlier recruitment notification had not been disturbed by the High Court in Writ Petition No. 26400 of 2015. The distinction between the two cases is clearly evident. In Writ Petition No.26400 of 2015, the candidates had already been appointed and their vested rights were protected by Section 79 of AP Reorganisation Act which was not available to the respondent-writ petitioners who were merely in the select list and had not been appointed prior to bifurcation.

32. High Court turned Section 79 on its head and held the said provision did not create an embargo on the new State to make appointment in its services from a select list prepared for the composite State of Andhra Pradesh. The reasoning of the High Court flies in face of the fact that a selected candidate does not have a vested right to appointment and Section 79 cannot be read as an enabling provision vesting such a right and encroaching on the appellant's right to take an independent decision in light of the altered circumstances to continue with

the earlier selection process or to initiate a fresh selection process.

Conclusion

33. For these reasons, we set aside the impugned judgment and order of the High Court and direct that it shall be open to the appellant-Transco to proceed to make appointments in terms of the subsequent notification dated 28.12.2017 in accordance with law. Consequently, Civil Appeals @ SLP(C) Nos.11149, 11170 & 11481 of 2020 are allowed.
34. In light of our decision in the aforesaid civil appeals, Civil Appeal @ SLP(C) No.761/2021 by AP-Transco is also allowed. Writ Petition No. 26267/2018 filed by intervenors in IA No. 94627/2022, pending before High Court shall also be disposed of in light of observations made herein.
35. Civil Appeal @ SLP(C) No.12599/2020 has been preferred by candidates who failed to qualify the written examination held pursuant to Notification No. 05/2017 issued by TS-Transco. They had sought review of the common judgement and order in Writ Petition No.6165 of 2018 claiming that the number of seats declared in the earlier cancelled notification be clubbed with the vacancies declared in the subsequent notification. As

we have held the earlier notification pertaining to the composite State of Andhra Pradesh was validly cancelled, this appeal is dismissed.

36. Pending application(s), if any, shall stand disposed of.

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

.....J.
(JOYMALYA BAGCHI)

**NEW DELHI;
AUGUST 22, 2025.**