

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

**THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI**

**WRIT PETITION NO.37458 OF 2022**

**AND**

**WRIT PETITION NO.37535 OF 2022**

**DATED : 30.06.2026**

**WRIT PETITION NO.37458 OF 2022**

Between:

Boorla Mahesh and others

... Petitioners

AND

The State of Telangana, rep. by its  
Special Chief Secretary, General  
Administration Department, Secretariat  
Building, Hyderabad, Telangana and others

... Respondents

**COMMON ORDER**

In both of these Writ Petitions, the petitioners are challenging the amendments made to G.O.Ms.No.14, Women Development, Child Welfare (Estt.) Department, dt.10.05.2000 *vide* G.O.Ms.No.14,

Department for Women, Children, Disabled & Senior Citizens (Estt. – A2), dt.27.06.2013, as Sl.No.4 thereof providing that only women candidates are exclusively eligible to the posts of Extension Officers Grade-I and Extension Officers [Grade-II] [Supervisors] by any method of recruitment. The petitioners are seeking setting aside of the said amendment by way an executive order and also to issue a modified notification for fresh employment of Extension Officers Grade-I and Extension Officers Grade-II (Supervisors) as open for all genders and to pass such other order or orders.

**2.** Brief facts leading to the filing of the present Writ Petitions are that G.O.Ms.No.14 dt.10.05.2000 was issued by the Women Development and Child Welfare Department to have a consolidated order on the guidelines for appointment of Extension Officers (Supervisors) pending issue of special rules governing the posts. The said G.O. provided for the nature of posts, pay, educational qualifications required, methods of appointment – direct recruitment, transfer, promotion, etc., but there is no mention about the gender of the employee at all. Subsequently, *vide* G.O.Ms.No.14 dt.27.06.2013, Women Development and Child Welfare Department has issued amendments to the guidelines issued in G.O.Ms.No.14 dt.10.05.2000.

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One of the amendments, which is under challenge in these Writ Petitions, is at Sl.No.4 thereof, i.e., “only women candidates are exclusively eligible to the posts of Extension Officers Grade-I and Extension Officers [Grade-II] [Supervisors] by any method of recruitment.”

**3.** It is submitted that thereafter on 27.08.2022, the Telangana State Public Service Commission (TSPSC) issued a Job Notification No.11 of 2022 dt.27.08.2022 for the posts of Extension Officer (Supervisor) Grade-I in Women Development and Child Welfare Department for a total of 181 vacancies and the notification stated that reservation is according to the Rule of reservation in terms of General Rules 22 & 22-A of the Telangana State and Subordinate Service Rules, 1996 and especially as per G.O.Ms.No.14 of 2013 dt.27.06.2013, i.e., reserving the posts exclusively for women. Challenging the said notification, W.P.No.37458 of 2022 was filed on 26.09.2022 seeking relief against the respondents to issue a writ declaring the amendment in relation to the posts of Extension Officers Grade-I and Grade-II in G.O.Ms.No.14 dt.27.06.2013 of Women Development and Child Welfare Department as violative of Article 19(1)(g), Article 14 and Article 21 of the Constitution of India and that Notification No.11 of 2022 dt.27.08.2022

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is invalidated and consequently, to direct respondents 1 and 2 to issue a fresh Employment notification as open for all genders. Another Writ Petition, i.e. W.P.No.37535 of 2022 was filed challenging the Employment Notification No.13 of 2022 dt.05.09.2022 of Women Development and Child Welfare Department issued for 23 posts of Women and Child Welfare Officers and Child Development Project Officers and both the Writ Petitions were tagged together as connected matters.

4. The last date for submission of online applications was 29.09.2022. However, there was no interim order granted by this Court and therefore, the petitioners who are male candidates were not permitted to submit their applications for the posts. It is submitted that thereafter, due to leakage of question paper, the examinations conducted by TSPSC on 03.01.2023 and 08.01.2023 were cancelled and respondent No.2 released Addendum dt.30.07.2024 in continuation of the web note dt.19.07.2024 cancelling the examinations previously conducted and announced new dates and the method of examinations and the examinations were re-scheduled for 06.01.2025 and 07.01.2025 respectively. Though the petitioners filed I.A.No.3 of 2024 seeking direction to the respondents to permit the petitioners and all other

eligible candidates, irrespective of their gender, to apply for the jobs specified in the Employment notification dt.27.08.2022 and the Addendum dt.30.07.2024, the said Interlocutory Application was not heard by this Court and therefore, the petitioners have amended the prayer in W.P.No.37458 of 2022 by filing I.A.No.1 of 2025 challenging the amendment made to G.O.Ms.No.14 dt.10.05.2000 *vide* G.O.Ms.No.14 dt.27.06.2013 and for consequential relief to declare the said Employment notification as open for all genders.

**5.** Both the Writ Petitions were heard together. Learned counsel for the petitioners has advanced the following arguments:

**6.** It is submitted that reservation of all the posts exclusively for women is in violation of Articles 14, 21 and 19(1)(g) of the Constitution of India, i.e., violative of right to practice any profession or to carry on any occupation, trade or business and there shall not be any discrimination on the basis of caste, creed, race, religion or gender. It is submitted that when the matters were taken up for hearing by one of the Single Judges of this Court, the Court had expressed opinion that there is challenge to the rule and therefore, the matters were directed to be listed before a Division Bench. However, the Division Bench has

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observed that the challenge is to the amendments introduced in the Government Order by way of administrative instructions and that the amendments are not statutory in nature and therefore, the Writ Petitions have to be decided by appropriate Bench having the roster. Thus, the matters have been listed before this Court. The learned counsel for the petitioners therefore submitted that *vide* G.O.Ms.No.14 dt.10.05.2000, the guidelines for appointment of Extension Officers (Supervisors) were issued framing special rules for the posts and therefore, it is but an administrative instruction and the amendment of the same *vide* G.O.Ms.No.14 dt.27.06.2013 is also an administrative or executive instruction and the said amendment cannot be in violation of the State and Subordinate Service Rules, 1996. The learned counsel for the petitioners has made specific reference to and placed reliance upon Rule 22-A of the Telangana State and Subordinate Service Rules, 1996 which reads as under:

**“22-A. Women Reservation in appointments:-** *Not withstanding anything contained in these rules or special rules or Adhoc Rules:-*

- 1. In the matter of direct recruitment to posts, for which women are better suited than men, preference shall be given to women:*

*Provided that such absolute preference to women shall not result in total exclusion of men in any category of posts.*

2. *In the matter of direct recruitment to posts for which women and men are equally suited, there shall be reservation to women to an extent to 33 1/3 % of the posts in each category of Open Competition, Socially and Educationally Backward Classes (Group-A), Socially and Educationally Backward Class (Group-B), Socially and Educationally Backward Classes (Group-C), Socially and Educational Backward Classes (Group-D), Socially and Educationally Backward Classes (Group-E), Scheduled Castes, Scheduled Tribes and Persons with Disabilities and Ex-Servicemen quota.*
3. *In the matter of direct recruitment to posts which are reserved exclusively for being filled by women, they shall be filled by women only.*
4. ....
5. ....”

Thus, she submitted that Rule 22-A which starts with non-obstante clause ‘not withstanding any contained in these rules or special rules or adhoc rules, clearly means that Rule 22-A is applicable in the matter of reservation for women in the State and Subordinate Services in Telangana and special rules or ad hoc rules are overridden by this section and it is submitted that the respondents are applying sub-rule (1) thereof for the recruitment and are misleading or misquoting sub-rule (3)

for the said purpose. It is submitted that only where the posts require exclusive involvement of women, can the posts be reserved only for them. She has drawn the attention of this Court to the functions and duties of Extension Officers as stated in the official website by respondent No.2 as under:

17	<p><i>Extension Officer (Supervisor) Grade-I (740) &amp; Grade – II (700) &amp; Contract Supervisors – (222) at District Level</i></p>	<p><i>1. Assist to the Child Development Project Officer</i></p> <p><b>2. Functions:</b></p> <p><i>1. Plan the programme of Anganwadis</i></p> <p><i>2. Help, train and guide to the AWWs</i></p> <p><i>3. Supervise AWCs through regular visits.</i></p> <p><i>4. Organise regular meetings with AWWs for reviewing progress of ICDS scheme.</i></p> <p><i>5. Identifying malnutrition children.</i></p> <p><i>6. Help AWWs in developing family contacts, making home visits and conducting village meetings.</i></p> <p><i>7. Periodically check all records,</i></p>
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		<p><i>registers, cash and accounts, stock and material in AWCs.</i></p> <p><i>8. Guide the AWWs in organising health and nutrition, education and programmes and establish links with the primary school.</i></p> <p><i>9. Liaison between AWWs and CDPO and also PHCs staff.</i></p> <p><i>10. Assist to the CDPO in various task of administration and programme implementation.</i></p> <p><b>3. Jurisdiction</b></p> <p><i>Entire ICDS Project where they are working.</i></p> <p><b>4. Accountability</b></p> <p><i>Accountable to the CDPO concerned and to the public</i></p>
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Thus, according to the learned counsel for the petitioners, these functions can be discharged by any person irrespective of their gender. It is submitted that reserving 100% vacancies in favour of women is thus

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without rationale and justification. It is submitted that the two important aspects to be considered in these Writ Petitions are:

- a. Whether the Governor has such power under Article 309 of Indian Constitution to amend a Subordinate Legislation without referring to an Act framed by Parliament or State Legislature?
- b. Whether a 100% reservation in one category of Jobs can be given only to women without a reasonable classification under any Act of Parliament or State Legislature?

She placed reliance upon the following judgments in support of her contention that 100% reservation cannot be made in favour of women in the posts of Extension Officers (Supervisors) in the Department of Women Development and Child Welfare.

**(1) Chebrolu Leela Prasad and another Vs. State of Andhra Pradesh<sup>1</sup>**

**(2) S. Renuka and others Vs. State of Andhra Pradesh<sup>2</sup>**

**(3) Satyajit Kumar & others Vs. State of Jharkhand and others<sup>3</sup>**

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<sup>1</sup> (2021) 11 SCC 401

<sup>2</sup> (2002) 5 SCC 195

**(4) Dr. Alok Kumar Singh Vs. State of Uttar Pradesh<sup>4</sup>**

She therefore prayed that the condition mentioned in the notification be set aside and fresh notification be issued for candidates of all genders providing rule of reservation under Section 22-A of the Telangana State and Subordinate Service Rules, 1996.

7. Learned Standing Counsel for TSPSC placed reliance upon the averments made in the counter affidavit filed on behalf of respondents 3 and 4 and supported the amendment made to G.O.Ms.No.14 dt.10.05.2000 *vide* G.O.Ms.No.14 dt.27.06.2013. It is submitted that TSPSC is only a recruitment agency and as such making only women candidates exclusively eligible to the post of Extension Officer Grade-I in Women Development and Child Welfare Department is done as per G.O.Ms.No.14 dt.27.06.2013. It is submitted that the prescription of qualification, percentage of marks, experience, reservations, etc., to a post is the prerogative of the Department and the Department finalises the qualifications/reservations to a post as per the basic requirement and duties and responsibilities attached to the post. It is submitted that as a

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<sup>3</sup> 2022 Supreme (SC) 643

<sup>4</sup> 2010 SCC OnLine All 1426

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recruitment agency, the Commission will scrupulously follow the special rules governing the post fixed by the Government and in this case, the Commission has followed G.O.Ms.No.14 dt.27.06.2013 and therefore, there was no cause for interference.

**8.** Learned Government Pleader for Services-II has relied upon the averments made in the counter affidavit filed by respondent No.5 and submitted that the posts of Extension Officer Grade-I and Extension Officer Grade-II in Women Development and Child Welfare Department are also referred to as Supervisor posts. They perform functions as Supervisors of Anganwadis and they are Field Level Officers tasked with monitoring 25 Anganwadi Centres. It is submitted that Anganwadi Centres/Creches are offering various services to children, pregnant women and lactating mothers and adolescent girls and the services provided under the Anganwadi Services Scheme are:

- (i) Supplementary Nutrition;
- (ii) Pre-school non-formal education;
- (iii) Nutrition & Health Education;
- (iv) Immunization;
- (v) Health check-up; and
- (vi) Referral services.

Therefore, according to the learned Government Pleader, the said functions are taken into consideration before providing the guidelines for recruitment. It is submitted that as the guidelines provide for only women candidates, they alone can be considered for the said posts, the contention of the petitioners that the impugned amendment is in violation of Articles 19(1)(g), 14 and 21 of the Constitution of India is not correct. It is submitted that service delivery framework is designed keeping in view the sensitivity and sensibilities of targeted beneficiaries and also to ensure a safe work environment for ground level functionaries who are all women. The learned Government Pleader referred to the judgment of the Hon'ble Supreme Court in the case of **Vijay Lakshmi Vs. Punjab University and others**<sup>5</sup>, wherein earmarking of certain category of posts to women has been upheld. He also placed reliance upon the decision of Madras High Court in the case of **K. Karupaiyah Vs. The Commissioner and Secretary, Government of Tamil Nadu (W.P.No.33771 of 2006)** and also the decision of Odisha High Court in the case of **State of Orissa Vs. Sankar Jena and others (2006 I ODR 657)** which has been upheld by the Hon'ble

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<sup>5</sup> AIR 2003 SC 3331

Supreme Court in the case of **Sankar Jena Vs. State of Orissa (C.A.No.7149 of 2008)** in support of his contentions. Thus, he prayed for dismissal of the Writ Petitions.

9. Having regard to the rival contentions and the material on record, this Court finds that in the absence of specific service rules, the Government of Andhra Pradesh has framed the guidelines by issuance of G.O.Ms.No.14 dt.10.05.2000 for the appointment of Extension Officers/Supervisors in the Department of Women Development and Child Welfare. The said G.O. does not prescribe for any reservation of any post in respect of or in exclusion of any particular gender. It is by virtue of G.O.Ms.No.14 dt.27.06.2013 that certain amendments were made to the guidelines and one such amendment is that only women candidates are held to be exclusively eligible to the posts of Extension Officers Grade-I and Extension Officers Grade-II (Supervisors) by any method of recruitment. This amendment is being challenged in this Writ Petition as being violative of Articles 14, 21 and 19(1)(g) of the Constitution of India and also as in violation of Rule 22-A of the Telangana State and Subordinate Service Rules, 1996. Since the posts which are referred to are the posts which fall under the Telangana State and Subordinate Rules, 1996, Rule 22-A would apply to these posts for

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providing reservation to women and Rule 22-A(1) permits reservation in respect of preference to be given to women in the matter of direct recruitment to posts for which women are better suited than men. However, the proviso thereunder prescribes that such absolute preference to women shall not result in total exclusion of men in any category of posts. The petitioners are relying upon this proviso for challenging the 100% reservation for women to the post of Extension Officers Grade-I and Grade-II/Supervisors. Though this proviso prohibits total exclusion of men in any category of posts, the proviso cannot restrict the prescription of the rule itself. Sub-rule (1) thereof empowers the Government to assess the posts for which women are better suited and that preference shall be given to women. The Government, after deliberations, has thought it fit to reserve the posts of Extension Officers Grade-I and Grade-II/Supervisors in the Department of Women Development and Child Welfare exclusively for women by any method of recruitment. Though the job chart which has been reproduced by the petitioners in the writ affidavit does not demonstrate that such functions can be discharged only by women candidates, this Court finds that the stake holders or the beneficiaries of the scheme are children, adolescent and young girls, pregnant women and lactating

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mothers and the primary functions under the scheme are being performed by Anganwadi workers in Anganwadi Centres and therefore, all the stake holders as well as the primary functionaries are women and it is in these circumstances that the Government has come to the conclusion that the posts have to be exclusively reserved for women.

**10.** In the case of **Vijay Lakshmi Vs. Punjab University and others** (5 supra), the Hon'ble Supreme Court has observed that the policy decision of the Government as a preventive or precautionary measure cannot be interfered with by the Courts. It was held that the State Government is empowered to make such special provisions under Article 15(3) of the Constitution of India and that the power is not restricted in any manner by Article 16. The Hon'ble Supreme Court was considering the case of classification between male and female for certain posts and held it to be not being arbitrary and unjustified. It was held that if separate colleges or schools for girls are justifiable, rules providing appointment of lady principal or teacher would also be justified and the object sought to be achieved is a precautionary, preventive and protective measure based on public morals and particularly in view of the young age of the girl students to be taught. In the case before this Court also, as already observed above, the

substantial percentage stake holders except male children as well as the primary service providers are all women and it was in these circumstances that the Government has taken a policy decision to reserve all the subject posts for women.

**11.** In the decision relied upon by the learned counsel for the petitioners in the case of **S. Renuka and others Vs. State of Andhra Pradesh** (2 supra), the Hon'ble Supreme Court was considering appointment of Judges in Family Courts and Mahila Courts and reserving all the posts for women candidates. It is a case where both men and women were suitable for the posts and therefore, reservation of 100% for women was held to be bad in law. In the case of **Dr. Alok Kumar Singh Vs. State of Uttar Pradesh** (4 supra) relied upon by the learned counsel for the petitioners, the issue was of reserving the posts of Specialists in Obstetrics and Gynaecology only for women specialists completely excluding male specialist doctors and the Allahabad High Court Judgment holding that reservation of all posts of Gynaecologists in the special cadre medical and health services in U.P. State Medical and Health Services was held to be illegal *ab initio* and violative of Articles 14, 15(1) and 16(1) of the Constitution of India. Therefore, this Court is of the opinion that the decisions relied upon by the learned

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counsel for the petitioners are distinguishable on facts and are not strictly applicable to the facts of the case before this Court. On the other hand, the decision relied upon by the learned Government Pleader for Services-II in the case of **Vijay Lakshmi Vs. Punjab University and others** (5 supra) is applicable to this case and following the same, both the Writ Petitions are dismissed.

**12.** Both the Writ Petitions are accordingly dismissed. No order as to costs.

**13.** Pending miscellaneous petitions, if any, in these Writ Petitions shall also stand dismissed.

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**JUSTICE T. MADHAVI DEVI**

Date: 30.06.2026

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