

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 14172-14173/2024

DR. DASOJU SRAVAN KUMAR

Appellant(s)

VERSUS

THE SECRETARY TO HER EXCELLENCY, THE HONBLE GOVERNOR, STATE OF
TELANGANA & ORS.Respondent(s)

IA No. 280969/2024 - CLARIFICATION/DIRECTION

IA No. 176180/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 221335/2024 - INTERVENTION/IMPLEADMENT

IA No. 221339/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 176178/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

C.A. No. 940/2025 (XII-A)

IA No. 625/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

C.A. No. 941/2025 (XII-A)

IA No. 5823/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 13-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) : Mr. Ranjit Kumar, Sr. Adv.
Dr. Aditya Sondhi, Sr. Adv.
Ms. Eesha Bakshi, Adv.
Mr. Omar Hoda, Adv.
Mr. B. Vittal, Adv.
Ms. Gurbani Bhatia, Adv.
Mr. Surya K. Singh, Adv.
Mr. Abishek Jebaraj, AOR
Mr. Arjun Sharma, Adv.

Mr. R. Venkataramani, Attorney General for India
Mr. D. Mahesh Babu, AOR
Mr. Shishir Pinaki, Adv.
Mr. Dhanaeswar Gudapalli, Adv.
Mr. Chitvan Singhal, Adv.

Mr. Amber Jain, Adv.
Mr. Abhishek Pandey, Adv.

For Respondent(s) :

Mr. Krishna Kumar Singh, AOR
Mr. Jatinder Bir Singh, Adv.

Mr. R. Venkataramani, Attorney General for India
Mr. D. Mahesh Babu, AOR
Mr. Shishir Pinaki, Adv.
Mr. Dhanaeswar Gudapalli, Adv.

Ms. Devina Sehgal, AOR
Mr. Srikanth Varma Mudunuru, Adv.

Mr. D.Ramakrishna Reddy, Adv.
Mrs. D. Bharathi Reddy, AOR
Mr. Nishant Sharma, Adv.
Mrs. D Tejaswi Reddy, Adv.
Ms. Adviteeya, Adv.

Mr. K Ramakanth Reddy, Sr. Adv.
Mr. Goli Rama Krishna, Adv.
Ms. Vandana Sharma, AOR
Ms. Karishma Seth, Adv.

Respondent-in-person

UPON hearing the counsel the Court made the following
O R D E R

C.A. Nos. 940 and 941 of 2025:

These appeals may be listed for final hearing
after 17th September, 2025.

Civil Appeal No(s). 14172-14173 of 2024:

We have heard Mr. Ranjit Kumar with Dr. Aditya
Sondhi, learned senior counsel appearing for the
appellant(s), Mr. R. Venkataramani, learned Attorney

General for India appearing for the Governor, State of Telangana, learned senior counsel/counsel Mr. Nishant Sharma and Mr. K Ramakanth Reddy, appearing for respondent nos. 4 and 5 in Civil Appeal No(s). 14172-14173/2024.

The above two appeals assail the correctness of the judgment and order dated 7th March, 2024, passed by the Division Bench of the High Court of Telangana at Hyderabad in Writ Petition Nos.180-181/2024 separately instituted by Dr.Dasoju Sravan Kumar and Kurra Satyanarayana initially challenging the order of the Governor of the State of Telangana dated 19.09.2023 whereby the nomination of the aforesaid two appellants as Members of the Legislative Council was rejected. Subsequently, by way of an amendment, a challenge was also made to the recommendation of the Council of Ministers dated 13.01.2024 in favour of Shri Kodanda Rama Reddy and Shri Amer Ali Khan- respondent nos.4 and 5, as Members of the Legislative Council, the order of the Governor dated 27.01.2024 accepting the said recommendation and further the Gazette Notification of even date.

By the impugned judgment, the orders dated 19.09.2023, the recommendation dated 13.01.2024, the order dated 27.01.2024 and the Notification dated

27.01.2024 were quashed. Normally, the effect of the above operative part of the High Court judgment would be that the rejection of the appellants' nomination to the Legislative Council would stand set aside and they would be entitled to be considered afresh by the Governor in the light of the observations made in the impugned judgment and order. However, the High Court declined to issue any such direction or observation or request to the Governor in view of the statement made by the learned counsel for the appellants before the High Court that they would not seek any relief of implementation of the decision of the Cabinet and they had only wanted a declaration to be made with respect to the powers of the Governor.

This Court, while issuing notice, vide order dated 14.08.2024, stayed the impugned judgment of the High Court till further orders and further provided that any nominations made in the meantime shall remain subject to the final outcome of these petitions(appeals). To be accurate, the interim order dated 14.08.2024 is reproduced hereunder:

"Delay condoned.

Issue notice, returnable within four weeks.

Till further orders, the impugned judgment of

the High Court shall remain stayed. Any nominations made in the meantime, shall remain subject to the final outcome of this petition."

Mr. Ranjit Kumar, learned senior counsel appearing for the appellants contended that pursuant to the interim order passed by this Court on 14.08.2024, the respondent nos. 1 to 3 interpreted the same in a manner that the acceptance by the Governor of the recommendation of respondent nos. 4 and 5 for nomination to the Legislative Council would stand revived and they accordingly proceeded to administer oath to respondent nos. 4 and 5, three days after the interim order i.e. on 17.08.2024. The submission is that the interim order passed in an appeal preferred by the appellants could have been only for the benefit of the appellants and not for the benefit of respondent nos. 4 and 5 who never preferred any appeal or cross appeal before this Court challenging the judgment of the High Court, wherein their recommendation for nomination to the Legislative Council, its acceptance by the Governor and the Gazette Notification issued pursuant thereto has been quashed.

It was, therefore, submitted that this Court may suitably modify the interim order passed by this

Court.

On the other hand, learned senior counsel representing respondent nos. 4 and 5 submitted that the appellants had preferred I.A.No.280347/2024 and I.A.No.280969/2024 for seeking modification which had already been rejected, vide order dated 09.12.2024 and as such it is not open to the appellants to again pray for modification of the interim order dated 14.08.2024.

We have considered the submissions and have also perused the material on record. The import of the order dated 14.08.2024 was to the effect that the seats of the Legislative Council may not go vacant as such. In the last part it was also left open that any nominations made in the meantime would remain subject to final outcome of the petitions. The use of the word 'in the meantime' would be for time subsequent to 14.08.2024 and not with respect to any nomination made prior to that date. Admittedly, no fresh nomination had been recommended in favour of respondent nos. 4 and 5 after the interim order dated 14.08.2024 and, therefore, the action on the part of respondent in proceeding to administer oath to respondent nos. 4 and 5 on the strength of the interim order was misplaced. Even otherwise, it is apparent that the respondent nos. 4 and 5 were not

aggrieved by the impugned judgment and order of the High Court and did not assail it and hence, they cannot get any relief on the strength of an interim order passed in the petitions of other contesting parties who were also aggrieved by the same judgment. We are, therefore, inclined to modify the interim order passed on 14.08.2024.

The submission on behalf of respondents that the IAs preferred by the appellants for modification having been rejected by this Court earlier, and therefore now this Court may not modify the order is misconceived. This Court can always modify the order once it comes to its knowledge that the same is being misinterpreted and misused.

As the hearing of the appeals itself may take some time, we modify the interim order dated 14.08.2024 and further issue the following directions:

- (i) The impugned judgment of the High Court shall remain stayed to the extent that it is adverse to the appellants only;
- (ii) No benefit of the stay will be extended to respondent nos. 4 and 5;
- (iii) The functioning of respondent nos. 4 and 5 as Members of the Legislative Council of State

of Telangana on the strength of the interim order shall be forthwith suspended and kept in abeyance;

(iv) The Council of Ministers would be at liberty to make any fresh recommendation(s) for the two posts of Members of Legislative Council which would be dealt with by the Governor in accordance with law and such nominations would remain subject to the final outcome of these appeals;

(v) The Council of Ministers would also be at liberty to consider recommending the appellants or the respondent nos. 4 and 5 afresh, notwithstanding the pendency of these appeals and this order passed today; and

(vi) Any functions discharged by respondent nos. 4 and 5 during this period would not be nullified because of this order.

List the matters after 17th September, 2025.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
COURT MASTER (NSH)