

News

Two Telangana MLCs who were sworn in under the governor's quota are suspended by the Supreme Court.



The Court further explained that the current ruling will not invalidate any functions that **Kodandaram** and Khan have previously performed as MLCs.

M Kondaram and Amer Ali Khan were sworn in as Legislative Council (MLC) members of Telangana under the Governor's quota, but their memberships were recently halted by the Supreme Court [**Dr. Dosaju Sravan Kumar v. The Governor, State of Telangana & Ors**].

A bench consisting of Justices Vikram Nath and Sandeep Mehta made it apparent that their induction was invalid and that the State Cabinet would need to make new recommendations before they could be appointed to the seats in the future.

Appeals from a political disagreement over nominations to the Governor's quota seats were being heard by the Court. When then-Governor Tamlisai **Soundararajan** turned down the

State Cabinet's proposal to appoint **Dr. Dasoju Sravan Kumar and Kurra Satyanarayana** to the Legislative Council in September 2023, the controversy started.

In January 2024, the Cabinet led by **Chief Minister A Revanth Reddy** suggested the names of journalist Amer Ali Khan and professor **M Kodandaram** following a change of administration. The new Governor, **Jishnudev Varma**, confirmed their appointments.

The Telangana High Court heard challenges to both rulings. The High Court invalidated the Governor's denial and the ensuing nominations in March 2024. Though they themselves had restricted their argument to a statement of law rather than requesting real appointments, the High Court refused to order the Governor to carry out the previous Cabinet decision in favor of Sravan Kumar and Satyanarayana.

Next, Satyanarayana and Sravan Kumar filed a Supreme Court motion. The Supreme Court suspended the High Court's ruling in August 2024, directing that any subsequent nominations be contingent upon the case's verdict. State officials saw the Supreme Court's stay as resurrecting Kodandaram and Khan's nominations, and they were sworn in as MLCs a few days later.

This interpretation was declared wrong by the Supreme Court. It stated that the purpose of its temporary injunction was to protect the appellants' rights rather than to help those whose nominations the High Court had previously rejected.

The order declared that the respondents' decision to proceed with administering oaths to respondents nos. 4 and 5 on the basis of the interim order was inappropriate.

The Court disputed the claim that because previous motions for modification had been denied, it could not now change its ruling. It clarified that the Court was free to change the stance as soon as it became apparent that its ruling had been misunderstood and abused.

In light of this, the Bench ordered that the two MLCs' operations be "**forthwith suspended and kept in abeyance.**" It made clear that the State Cabinet was still allowed to suggest new candidates for the two positions, and the Governor might choose amongst them in compliance with the law.

The Court further stated that the Cabinet might reexamine the names of Kodandaram and Khan or the initial candidates, Satyanarayana and Sravan

Kumar, but only after a new procedure. Until the appeals are resolved, all fresh nominations will remain provisional.

Crucially, the Court further explained that the current ruling will not invalidate any functions that Kodandaram and Khan have previously performed as MLCs.

Hearings on the case will now take place after September 17.

Along with Advocates Eesha Bakshi, Omar Hoda, B Vittal, Gurbani Bhatia, Surya K Singh, **Abishek Jebaraj**, and Arjun Sharma, the appellants were represented by Senior Advocates Ranjit Kumar and Aditya Sondhi.

In addition to Advocates Krishna Kumar Singh, Jatinder Bir Singh, D Mahesh Babu, Shishir Pinaki, **Dhanaeswar Gudapalli**, **Devina** Sehgal, Srikanth Varma Mudunuru, D Ramakrishna Reddy, D Bharathi Reddy, Nishant Sharma, D Tejaswi Reddy, Adviteeya, Goli Rama Krishna, Vandana Sharma, and Karishma Seth, the respondents were represented by Attorney General of India **R Venkataramani** and Senior Advocate **K Ramakanth Reddy**.