

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 35619 OF 2012

Between:

G. Raja Sundar Babu, S/o. G.P.Padma Rao, Aged 52 years, Occ
Govt.Teacher R/o.D.No.26-36-74, 3rd lane, Ankammanagar, Guntur-4

...PETITIONER

AND

- 1.- The Registrar, Institution of Andhra Pradesh, Lokayukta Basheerbagh, Hyderabad.
2. The Commissioner and Director School Education, Near Telephone Bhavan, Khiratabad, Hyderabad.
3. The Regional Joint Director of School Education, Arundalpet, 12th Line, Guntur-2
4. G.Srinivasa Rao, S/o. Not Known to the Petitioner, Aged about 40, occ Advocate, Gopalakrishna Colony, Guntur-2

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No.1 herein in passing the impugn proceedings based on the complaint No.748 of 2012/B2 order dated 06-09-2012 directing the Respondent No.2 herein to call for further action taken report and based on that the Respondent No herein initiating enquiry by vide proceedings letter Rc.No.2791/A1/2012 dated 16-08-2012 has illegal, arbitrary and contrary to the Lokayukta act and violation of Art.19 and 21 of the Constitution of India and also against the spirit of the SC, ST (POA) Act 1989.

I.A. NO: 1 OF 2012(WPMP. NO: 45270 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders in complaint No.748/2012/B2 dated 06-09-2012 passed by Respondent No.1 herein.

Counsel for the Petitioner: M/s. BANDLA NAGAMANI FOR SRI J.SUDHEER
Counsel for the Respondents: M/s. T.MANJULA FOR SRI Y.RAVINDRA,
SC FOR LOKAYUKTA

Counsel for the Respondent Nos.2 & 3: GP FOR EDUCATION
Counsel for the Respondent No.4: SRI P.V.KRISHNAIAH

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.35619 of 2012

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. Bandla Nagamani, learned counsel representing
Mr. J.Sudheer, learned counsel for the petitioner.

Ms. T.Manjula, learned counsel representing
Mr. Y.Ravindra, learned counsel for the respondent No.1.

2. With the consent of the learned counsel for the parties, the matter is heard finally.
3. In this writ petition, the petitioner has assailed the validity of the order dated 06.09.2012 by which the Lokayukta has directed the Commissioner and Director of School Education to call for further action taken report on the basis of the complaint submitted by the respondent No.4. In view of the order passed by the Lokayukta, the Regional Joint Director of School Education has initiated an enquiry against the petitioner.

4. Section 2(a) and (b) as well as Section 7 of the Telangana Lokayukta Act, 1983, read as under:

“2. Definitions:- (a) ‘*action*’ means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly.

(b) ‘*allegation*’ in relation to a public servant means any affirmation that such public servant –

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

(ii) has failed to discharge the functions attached to his post.

(iii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iv) is guilty of corruption, or lack of integrity in his capacity as such public servant.

7 (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,

(i) a Minister or a Secretary; or

- (ii) a Member of either House of the State Legislature; or
- (iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or
- (iii-a) a Vice Chancellor or a Registrar of a University;
- (iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special order, assign to each of them matters which may be investigated by them under this Act:

- Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

5. Thus, from a perusal of the aforesaid provisions, it is evident that the action can be taken in respect of the complaint as defined under Section 2(a) of the Telangana Lokayukta Act, 1983. The aforesaid Act does not authorize the Lokayukta to enquire into the complaint filed by the respondent No.4.

6. Accordingly, the order dated 06.09.2012 passed by the Lokayukta is quashed.

7. In the result, the writ petition is allowed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

That Rule Nisi has been made absolute as above.

Witness THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE, on this MONDAY, THE SECOND DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FOUR

SD/-N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Registrar, Institution of Telangana, Lokayukta Basheerbagh, Hyderabad.
2. The Commissioner and Director School Education, Near Telephone Bhavan, Khiratabad, Hyderabad.
3. The Regional Joint Director of School Education, Arundalpet, 12th Line, Guntur-2
4. One CC to SRI J.SUDHEER, Advocate [OPUC]
5. One CC to SRI Y.RAVINDRA, SC FOR LOKAYUKTA [OPUC]
6. One CC to SRI P.V.KRISHNAIAH, Advocate [OPUC]
7. Two CCs to GP FOR EDUCATION, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CD Copies

PSK.
GJP



HIGH COURT

DATED:02/09/2024

ORDER

WP.No.35619 of 2012



**ALLOWING THE WRIT PETITION
WITHOUT COSTS.**

(11) VLV
26/9/24