

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

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 25483 OF 2010

Between:

M/s. ICFAI Foundation for Higher Education, Rep. by its Authorized Signatory,
Sri Manchala Prasad, Sr. Law Officer, S/o. Late Sri M. Venkataiah, A.P.,
Hyderabad, A Deemed University under University Grants Commission, 1956,
R/o. 304, Arunodaya Apartments,

...PETITIONER

AND

1. The Institution of Lokayukta, Rep. by its Registrar Basheerbagh, Hyderabad.
2. The Principal Secretary, Department of Technical Education **State of Telagnana**, Secretariat, Hyderabad.
3. The Regional Joint Director of Technical Education, O.U. Region 7th Floor, South Wing, Gagan Vihar, Nampally,

(C.T. is amended as per C.O. Dt:21.08.2024 vide I.A. No.2/2015 (WPMP No.15119/15) in WP No.25483 of 2010

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Prohibition Prohibiting the 1st respondent from enquiring into Complaint No. 643/2009/B1 dated 17-6-2009 as far as the petitioner is concerned and also to declare that the respondents 2 and 3 have no jurisdiction to enquire into the affairs of the petitioner on the directions of the 1st respondent and further to declare that the respondents 2 and 3 have no jurisdiction to enquire into the affairs of the petitioner on the directions of the 1st respondent.

I.A. NO: 1 OF 2010(WPMP. NO: 32549 OF 2010)

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 stay all further Proceedings in Complaint No. 643/2009/B1 dated 17-6-2009 of the 1st respondent including the enquiry by the 3rd respondent, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI P. SRI RAGHU RAM, SENIOR COUNSEL

Counsel for the Respondent No.1: SRI RAVINDRA YANAMANDRA

**Counsel for the Respondent Nos.2 and 3: MS. MADHURI RAO KUCHADI,
AGP REPRESENTING ADDITIONAL ADVOCATE GENERAL**

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.25483 of 2010

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

Mr. P. Sri Raghu Ram, learned Senior Counsel for the petitioner appeared through video conferencing.

Ms. Madhuri Rao Kuchadi, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General for the respondents No.2 and 3.

2. In this writ petition, the petitioner, *inter alia*, seeks a writ of prohibition against the Lokayukta from enquiring into the complaint dated 17.06.2009 so far as the petitioner is concerned. In addition, the petitioner seeks a declaration that the respondents No.2 and 3 have no jurisdiction to enquire into the affairs of the petitioner on the direction of the Lokayukta.

3. Facts giving rise to filing of this writ petition briefly stated are that the petitioner is a leading business school in the country and is a deemed University under Section 3 of the University Grants Commission Act, 1956. The affairs of the petitioner are not controlled or financed by the State Government. Based on a news item stating that the petitioner is running some courses which are not authorised by it, the respondent No.1 – Lokayukta, *suo motu* took up the complaint against the petitioner and thereupon issued a notice.

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;

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

(ii) 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

(iii) 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 dated 17.06.2009. The impugned proceedings are, therefore, quashed.

6. 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 SRI ALOK ARADHE, on this Wednesday, the Twenty First Day of August Two Thousand and Twenty Four

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Institution of Lokayukta, The Registrar Basheerbagh, Hyderabad.
2. The Principal Secretary, Department of Technical Education, The State of Telangana, Secretariat, Hyderabad.
3. The Regional Joint Director of Technical Education, O.U. Region 7th Floor, South Wing, Gagan Vihar, Nampally, Hyderabad.
4. One CC to Sri P. Sri Raghu Ram, Advocate [OPUC]
5. One CC to Sri Ravindra Yanamandra, Advocate [OPUC]
6. Two CCs to the Advocate General, High Court for the State of Telangana, at Hyderabad[OPUC]
7. Two CD Copies

T J
MP

CHR

HIGH COURT

DATED:21/08/2024

ORDER

WP.No.25483 of 2010



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(10) CJP
28/9/24