

**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 HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION NO: 16305 OF 2015

Between:

1. The State of Telangana, Rep. by its Principal Secretary,, Department of School Education, Secretariat Hyderabad.
2. Commissioner and Director of School Education,, Telangana, Hyderabad.
3. The Collector and District Magistrate, Hyderabad District,, Hyderabad.
4. The Regional Joint Director of School Education,, Hyderabad Region, Hyderabad.
5. The District Educational Officer, Hyderabad District,, Hyderabad.

...PETITIONERS

AND

1. Sri Syed Yousufuddin Khan, Rep. by GPA Holder Syed Vikaruddin, H.No.12-2-837, Asifnagar, Hyderabad.
2. The Registrar, I/o. Honorable Lokayukta For the States of, Andhra Pradesh and Telangana.
3. The Tahsildar, Asifnagar, Hyderabad., -
4. The Head Master, Government Sardar, VallabhBhai Patel High School, Asifnagar, Hyderabad.

...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 Writ, Order or direction one in the name of certiorari by calling the records on the file of Honble Lokayukta No. 4836/2013, dated 5.3.2015 and quash the same as illegal, arbitrary and without justification.

I.A. NO: 1 OF 2015(W/PMP. NO: 21189 OF 2015)

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 of the orders of the Honorable Lokayukta dt. 5-3-2015 in complaint No. 4836/2013, pending disposal of the above Writ petition.

**Counsel for the Petitioners: SRI T. VENKAT RAJU,
GP FOR SCHOOL EDUCATION**

Counsel for Respondents: NONE APPEARED

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.16305 of 2015

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

Mr. T.Venkat Raju, learned Government Pleader for School Education Department for the petitioners.

None for the respondents.

2. In this writ petition, the petitioners have assailed the validity of the order dated 05.03.2015 passed by the Lokayukta by which the petitioners have been directed to handover the actual physical and vacant possession of the building bearing No.12-2-837/4 situated at Asif Nagar, Hyderabad, to the complainant within a period of one month.

3. 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,-

() a Minister or a Secretary; or

(i) a Member of either House of the State Legislature; or

(ii) 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."

4. 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 pass the impugned order.

5. The impugned order dated 05.03.2015 is, 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.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar I/o. Honorable Lokayukta For the States of, Andhra Pradesh and Telangana.
2. The Principal Secretary,, Department of School Education, State of Telangana, Secretariat Hyderabad.
3. Commissioner and Director of School Education,, Telangana, Hyderabad.
4. The Collector and District Magistrate, Hyderabad District,, Hyderabad.
5. The Regional Joint Director of School Education,, Hyderabad Region, Hyderabad.
6. The District Educational Officer, Hyderabad District,, Hyderabad.
7. Two CCs to GP For School Education, High Court for the State of Telangana.

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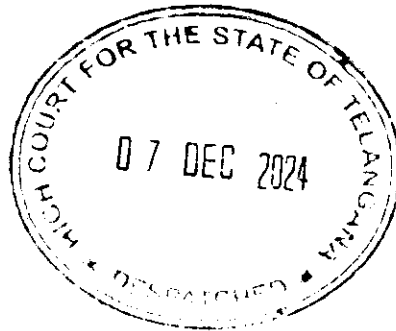
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MBC
GJP

CHR

HIGH COURT

DATED: 02/09/2024



ORDER

WP.No.16305 of 2015

ALLOWING THE WRIT PETITION

WITHOUT COSTS

⑪ CAR
4/12/24