

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

TUESDAY, THE FIFTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 23909 OF 2015

Between:

Inuganti Jyothirmai, W/o: Sri Jayababu, Aged about 39 years, working as Anganwadi worker Anganwadi Centre, Dudekula Bazar, Aswaraopet Khammam District

...PETITIONER

AND

1. The State of Telangana rep. by its Principal Secretary, Women Development, Child Welfare and Disable Welfare Department, Telangana Secretariat, Hyderabad
2. The District Collector, Khammam, Khammam District
3. The Project Director, District Women and Child Development Agency, Khammam, Khammam District
4. The Child Development Project Officer, ICDS Project, Aswaraopet, Khammam District
5. The Institution of Lokayukta for the States of Andhra, Pradesh and Telangana, Basheerbagh, Hyderabad rep. by its Registrar
6. Smt. P. Varalakshmi, W/o: Sri Chennuri Srinivasa Rao, R/o Sivaiah Bazar, Aswaraopet Khammam District

...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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to call for the records relating to issuance of impugned orders passed by the 5th respondent in Complaint No. 2906/2013/B1 dated 04/06/2015, declare the same as illegal, arbitrary, erroneous and the one

passed in an erroneous manner beyond its scope of functions and consequently set aside the same

I.A. NO: 1 OF 2015(WPMP. NO: 30990 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 suspend the impugned orders passed by the 5th respondent in Complaint No. 2906/2013/B1 dated 04/06/2015, pending disposal of writ petition

I.A. NO: 1 OF 2017(WVMP. NO: 702 OF 2017)

Between:

Smt. P. Varalakshmi, W/o: Sri Chennuri Srinivasa Rao, R/o Sivaiah Bazar,
Aswaraopet Khammam District

PETITIONER/RESP.No.6

AND

1. Inuganti Jyothirmai, W/o: Sri Jayababu, Aged about 39 years, working as Anganwadi worker Anganwadi Centre, Dudekula Bazar, Aswaraopet Khammam District

...RESPONDENT/PETITIONER

2. The State of Telangana rep. by its Principal Secretary, Women Development, Child Welfare and Disable Welfare Department, Telangana Secretariat, Hyderabad
3. The District Collector, Khammam, Khammam District
4. The Project Director, District Women and Child Development Agency, Khammam, Khammam District
5. The Child Development Project Officer, ICDS Project, Aswaraopet, Khammam District
6. The Institution of Lokayukta for the States of Andhra, Pradesh and Telangana, Basheerbagh, Hyderabad rep. by its Registrar

...RESPONDENTS

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 vacate the interim order granted by the Hon'ble High Court dt. 31.07.2015 and subsequently extended vide order dt. 29.04.2016 in WP.No. 23909/2015 and also dismiss the writ petition in the interest of justice.

Counsel for the Petitioner: SRI K. RAM REDDY

**Counsel for the Respondent Nos.1 to 4: MS. K. MANI DEEPIKA,
GP FOR WOMEN DEV,CHILD WELFARE**

**Counsel for the Respondent 5: MS. T. MANJULA, LEARNED COUNSEL
APPEARS FOR SRI Y RAVINDRA**

Counsel for the Respondent No.6: SRI KOWTURU PAVAN KUMAR

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.23909 of 2015

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

Mr. K. Ram Reddy, learned counsel appears for the petitioner.

Ms. K. Mani Deepika, learned Government Pleader for Women Development & Child Welfare appears for respondent Nos.1 to 4.

Ms. T. Manjula, learned counsel appears for Mr. Ravindra Yanamandra, learned counsel for respondent No.5.

Mr. K. Pavan Kumar, learned counsel appears for respondent No.6.

2. In this Writ Petition, the petitioner has assailed the validity of the order dated 04.06.2015 by which Lokayukta has directed the respondent authorities to cancel the appointment of the petitioner as Anganwadi Worker and appoint respondent No.6 in the place of the petitioner.

3. Section 2 (a) and (b) and 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."

4. Thus, from perusal of aforesaid provisions, it is evident that the same does not empower Lokayukta to deal with the grievance with regard to the direction issued to the authorities to cancel the appointment of the petitioner.
5. The impugned order dated 04.06.2015 is therefore *per se* without jurisdiction and the same is hereby quashed. However, liberty is reserved to respondent No.6 to take recourse to such remedy as may be available to her in law.

6. With the aforesaid liberty, the Writ Petition is disposed of.

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

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Women Development, Child Welfare and Disable Welfare Department, Telangana Secretariat, Hyderabad
2. The District Collector, Khammam, Khammam District
3. The Project Director, District Women and Child Development Agency, Khammam, Khammam District
4. The Child Development Project Officer, ICDS Project, Aswaraopet, Khammam District
5. The Registrar, The Institution of Lokayukta for the States of Andhra, Pradesh and Telangana, Basheerbagh, Hyderabad
6. One CC to Sri K. Ram Reddy, Advocate [OPUC]
7. Two CCs to GP for Women Development Child Welfare, High Court for the State of Telangana, at Hyderabad [OUT]
8. One CC to Sri Kowturu Pavan Kumar, Advocate [OPUC]
9. One CC to Sri Y. Ravindra, Advocate [OPUC]
10. Two CD Copies

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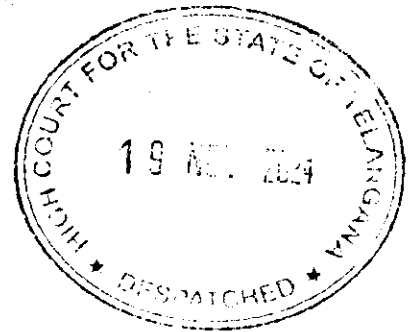
GJP ✓

HIGH COURT

DATED:15/10/2024

ORDER

WP.No.23909 of 2015



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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Lopis
G.B
28/10/24*