

[3418]

**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 PRITION (PIL) (SR) NO: 29438 OF 2024

Between:

Vasundhara Koppula,
C/o.Narender Devulapalli,
Age: 36 Years, Occ: Social Activist
R/o 8-3-228/1129, Rehmatnagar,
Yousufguda, Khairatabad,
Hyderabad - 500045.

...Petitioner

And

1. Union of India
Rep. by its Principal Secretary,
Department of Personnel and Training,
113, North Block, Secretariat,
New Delhi - 110001
2. Union Public Service Commission,
Rep. by its Chairman
Dholpur House, Shahjahan Road,
New Delhi - 110069
3. Smita Sabharwal,
W/o.Akun Sabharwal,
Aged about 46 years, Occ: Civil Servant,
O/o. State Finance Commission Office,
Near Jalasoudha, Irrum Manzil,
Hyderabad - 500482

...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 mostly one which is in the nature of a writ Mandamus declaring the inaction of Respondents.No.1 and 2 in not taking action against the Respondent No.3 who violated Rule 3 (1A) (v)(vi), (2A), (2B) and Rule 7(i) of All India Services (Conduct) Rules, 1968, by making insensitive, debilitating and deprecating comments against the community of Differently Abled are in violation of as illegal, unconstitutional, unreasonable, unwarranted and unjustified, offending the Article 14 and Art.21 of the Constitution of India and consequently direct the official respondents to take a stern action against the Respondent No.3 and direct Respondent No.2 in particular to act as per Art.320(3)(c) of the Constitution of India, in consideration of my representation through email dated 26-07-2024.

I.A.(SR) No. OF 2024

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 direct the respondent No.3 herein to remove/delete the controversial remarks/tweets made by her on 21st July, 2024 at 9.56 AM through her X Account, @SmitaSabharwal, and all subsequent posts and reposts related to this issue, posted and reposted on 21st July, 2024 at 1.40 PM, on 21st July, 2024 at 2.44 PM, on 22nd July, 2024 at 9.55 AM, pending disposal of this Writ Petition.

Counsel for the Petitioner: SRI Y.SWAROOP SAI, REP. FOR SRI C.M.R.VELU

**Counsel for the Respondent No.1: M/s. L.PRANATHI REDDY, REP. FOR
SRI GADI PRAVEEN KUMAR,
Dy. SOLICITOR GEN. OF INDIA**

**Counsel for the Respondent No.2: SRI AJAY KUMAR KULKARNI,
NODAL COUNSEL FOR UPSC**

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(PIL)(SR) No.29438 of 2024

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

Mr. Y.Swaroop Sai, learned counsel representing
Mr. C.M.R.Velu, learned counsel for the petitioner.

Ms. L.Pranathi Reddy, learned counsel representing
Mr. Gadi Praveen Kumar, learned Deputy Solicitor General
of India for respondent No.1.

Mr. Ajay Kumar Kulkarni, learned Nodal Counsel for
Union Public Service Commission for respondent No.2.

2. In this writ petition which has been filed as
public interest litigation, the petitioner *inter alia* has
prayed for the following relief:

"For the reasons stated above, it is prayed that
this Hon'ble Court may be pleased to issue an
appropriate writ, order or direction mostly one
which is in the nature of a writ Mandamus
declaring the inaction of Respondents No.1 & 2 in

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not taking action against the Respondent No.3 who violated Rule 3 (1A) (v)(vi), (2A), (2B) and Rule 7(i) of All India Services (Conduct) Rules, 1968, by making insensitive, debilitating and deprecating comments against the community of Differently Abled are in violation of as illegal, unconstitutional, unreasonable, unwarranted and unjustified, offending the Article 14 and Art.21 of the Constitution of India and consequently direct the official respondents to take a stern action against the Respondent No.3 and direct Respondent No.2 in particular to act as per Art.320(3)(c) of the Constitution of India, in consideration of my representation through email dated 26-07-2024 and pass such other order or orders as it may deem fit and necessary in the circumstances of the case."

3. Facts giving rise to filing of the petition briefly stated are that the petitioner is a Differently Abled person and is an activist, who according to the petitioner strives for the rights, welfare and development of Differently Abled Community. According to the petitioner, she runs an organization namely "Gurthimpu Foundation", which works in the field of training the Differently Abled persons in Skill Development and Entrepreneurship.

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4. Respondent No.3 is an IAS Officer of Telangana Cadre and serving as Member Secretary of Telangana State Finance Commission. On a social media platform namely "X", respondent No.3 on 21.07.2024 has posted the following tweet:

"As this debate is blowing up-

With all due respect to the Differently Abled.
Does an Airline hire a pilot with disability? Or
would you trust a surgeon with a disability.

The nature of the #AIS (IAS/IPS/IFoS) is field-work,
long taxing hours, listening first hand to people's
grievances-which requires physical fitness.

Why does this premier service need this Quota in
the first place!

#justasking"

5. The petitioner thereupon sent a notice on 26.07.2024 to the Union of India as well as Union Public Service Commission for taking action against respondent No.3. However, without waiting for the outcome of representation, the petitioner rushed to file the writ petition on 29.07.2024 itself.

6. Learned counsel for the petitioner submits that respondent No.3 has no absolute right of Freedom of Speech as she is a Member of Indian Administrative Service. It is further submitted that respondent No.3 has no right to criticize the policy of the Government. In support of the aforesaid submission, reference has been made to Rule 7 of All India Services (Conduct) Rules, 1968. It is therefore submitted that respondent Nos.1 and 2 be directed to take appropriate action against respondent No.3.

7. We have considered the submission made by learned counsel for the petitioner and had perused the record.

8. The Supreme Court in **Shreya Singhal v. Union of India**¹ dealt with the validity of Section 66-A of the Information Technology Act, 2000. The Supreme Court dealt with the scope and ambit of Articles 19(1)(a) and 19(2) of the Constitution of India. It was held that Article 19(1)(a) of the Constitution of India not only protects the

¹ (2015) 5 SCC 1

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right of primary expression but also freedom of secondary propagation of ideas and freedom of circulation. It was further held that freedom of speech and expression includes the right to acquire information and to disseminate it and freedom of speech and expression is necessary for self-expression, which is an important means of attaining free conscience and self-fulfilment. Article 19(2) of the Constitution of India does not permit the State to abridge the right. It is also not open for the State to curtail or infringe freedom of speech for promoting general welfare of a section or a group of people unless such action can be justified under the law contemplated under one of the heads of Article 19(2) of the Constitution of India.

9. The respondent No.3 who is a citizen of India has right to express a view. From perusal of the tweet posted by respondent No.3 in the social media platform, in our considered opinion, the same does not amount to criticism of the Government so as to incur the wrath of Rule 7 of the All India Services (Conduct) Rules, 1968.

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Even otherwise, no element of public interest is involved in the instant writ petition. The same is therefore dismissed.

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

**SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI C.M.R.VELU, Advocate [OPUC]
2. One CC to SRI AJAY KUMAR KULKARNI, NODAL COUNSEL FOR UPSC [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
4. Two CD Copies

BSR
BS

HIGH COURT

DATED: 02/09/2024

ORDER

WP(PIL)(SR).No.29438 of 2024

DISMISSING THE W.P. (PIL) (SR),

WITHOUT COSTS

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4.15

24/1/25