

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 90 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 25/11/2025 in W.P. No. 24449 of 2025 on the file of the High Court.

Between:

Mohd. Zaheeruddin, S/o Mohd. Rukumuddin, Age.68 yrs, Occ. Govt. Qazi R/o H.No. 19-4-279/2/B , Ghouse Nagar, Nawab Sahab Kunta, Hyderabad.

...PETITIONER/APPELLANT

AND

1. The State of Telengana, Rep. by its Principal Secretary to Govt Minority Welfare Dept, Secretariat Hyderabad.
2. The Dist Collector and District Magistrate, Hyderabad Dist. Hyderabad.

...RESPONDENTS/RESPONDENTS

3. The Revenue Divisional Officer, Hyderabad Division, Hyderabad.
4. Qazi Ahmed Shujauddin Quadri, S/o. Late Qazi Ghousuddin Quadri, Aged . about 46 years, Occ. Govt Qazi R/o H.No. 19-4-27918,1212, Hills Colony, Nawab Sahab Kunta, Hyderabad.
5. Qazi Ahmed Rafiuddin Quadri, S/o. Late Qazi Ghousuddin Quadri, aged about 41 years, Occ. Govt. Qazi Maisaram Zone (P) R/o 18-1-417/NA15, Phool-Bagh, Near Masj id-e-Abubakar Siddiq (rz), Hyderabad.

(Respondents No.4 and 5 are impleaded as per Court Order dated 25.11.2025 in I.A. No.2/2025.)

6. Qbzi Azizullah Osmani, S/o. ASF Samdani, Aged about (56) years, Qazi Musheerabad Zone. R/o. 1-4-333, Samdani Street, Musheerabad-Hyderabad.
7. Qazi Noman Ahmed, S/o. Irfan Ahmed, Qazi Mittuguda Zone, R/o, 12.11.1 Occ. Govt. Bholakpur, Aged about (49) years. Occ. Govt. Qazi, Amber nagar, Warisguda, Secunderabad, Hyderabad.
8. Qazi Mohammed Muqtar, S/o. Mohammed Ishaq, aged about (42) years, Occ. Govt.,Qazi Ameerpet Zone, R/o. 8-3-2341293, Laxmi Narasimha Nagar, Hyderabad.

9. Qazi Mohannred Muqtar Ahmed, S/o M.A. Shokoor, Occ. Govt. Qazi, khirtabad Zone, Aged about (45) years, R/o. Plot no,1171 Banjara Nagar Borabanda, Hyderabad.
10. Qazi Mohammed. Ghouse Shah Quadri, S/o Mohammed Sardar Quadri, Aged about (50) years, Occ. Govt. Qazi Asifnagar Zone. R/o. 13-1123513091114128, Kishan Nagar, Asif nagar Hyderabad.
11. Qazi Syed Aijaz ullah Quadri, S/o. Syed Qasim, Aged about (50) years, Occ. Govt. Qazi, Golconda Zone, R/o. H.No. 9-4-1331, Ground floor, Chabra Enclave, 7 Tombs road, Toli chowki, Hyderabad.

(Respondents No.6 to 11 are impleaded as per Court Order dated 25.11.2025 in I.A. No.3/2025.

...RESPONDENTS

IA NO: 2 OF 2026

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 Order dated 25/11/2025 passed by the learned Single Judge in W.P. No. 24449/2025 pending the above Writ Appeal as otherwise I will suffer irreparable loss and damage which cannot be compensated in any mode in the interest of justice.

IA NO: 3 OF 2026

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 operation of G.O. Rt. No. 65 MWD dated 07/08/2025 issued by the 1st Respondent pending the above Writ Appeal as otherwise I will suffer irreparable loss and damage which cannot be compensated in any mode in the interest of justice.

**Counsel for the Appellant: SRI A.M. QURESHI, Sr. COUNSEL, REP.
SRI SULTAN MOHIUDDIN**

**Counsel for the Respondent No.1 to 3: SRI ANANTHULA RAVINDER,
GP FOR SOCIAL WELFARE**

**Counsel for the Respondent No.4 & 5: SRI A.VENKATESH, Sr. COUNSEL, REP.
SRI P.PANDU RANGA REDDY**

Counsel for the Respondent No.6 to 11: SRI V.M.M.CHARY

The Court delivered the following: JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.90 of 2026

DATE: 11.02.2026

BETWEEN:

Mohd. Zaheeruddin

....Appellant

AND

The State of Telangana and 10 others

....Respondents

JUDGMENT

The present Writ Appeal, filed under Clause 15 of the letters Patent, arising out of the order dated 25.11.2025 rendered by the learned Single Judge in W.P.No.24449 of 2025. By the impugned order, the learned Single Judge dismissed the said writ petition filed by the appellant herein. The said writ petition was filed by the appellant herein to challenge the illegality and propriety of the removal order issued by the State Government under G.O.Rt.No.65 dated 07.08.2025.

Factual background (in brief)

2. The appellant was appointed as Government Additional Qazi for Qazzat, Qile Mohammed Nagar, Hyderabad, *vide* G.O.Ms.No.2 dated 07.02.2008 under Section 2 of the Kazis Act, 1880 (for short, 'the

Act). On 07.02.2025, a show-cause notice was issued proposing his suspension based on allegations that his Naib Qazis were involved in performing child marriages and other illegal activities. The notice also referred to a common judgment of this Court dated 30.09.2024 in W.P.Nos.38879 of 2022 and 34194 of 2017, directing the Government to take action under Section 2 of the Act. The appellant submitted a detailed explanation on 24.02.2025 denying the allegations and highlighting that all criminal cases against his Naib Qazis had ended in acquittal.

3. Separately, a show-cause notice dated 03.08.2023 was issued alleging that the appellant had issued a divorce certificate (Talaq Raj'ah) within the iddat period, contrary to Shariah law. The appellant replied on 22.08.2023 explaining that the certificate was legally issued under Islamic Law.

4. Without conducting any further inquiry, the State Government issued G.O.Rt.No.65 dated 07.08.2025 removing the appellant from the post of Additional Qazi with immediate effect under Section 2 of the Act.

5. The appellant challenged the removal order before the learned Single Judge on the grounds of violation of natural justice, lack of evidence, absence of misconduct and procedural irregularity. The learned Single Judge dismissed the writ petition, primarily holding that:

- i. The appellant, being the appointing authority for Naib Qazis, was vicariously liable for their acts.
- ii. Show-cause notices were issued, hence principles of natural justice were complied with.
- iii. The allegations of child marriages and illegal divorce certificates constituted misconduct.
- iv. The Government had sufficient material to exercise its power under Section 2 of the Act.

6. Aggrieved thereby, the appellant has filed the present writ appeal.

7. Heard Sri A.M.Qureshi, learned Senior Counsel representing Sri Sultan Mohiuddin, learned counsel for the appellant; Sri Ananthula Ravinder, learned Government Pleader for Social Welfare appearing for respondent Nos.1 to 3; Sri A.Venkatesh, learned Senior Counsel representing Sri P.Pandu Ranga Reddy, learned counsel for respondent Nos.4 and 5 and Sri V.M.M.Chary, learned counsel appearing for respondent Nos.6 to 11 and perused the record.

Submissions of learned counsel for the appellant

8. Learned Senior Counsel appearing for the appellant advanced the following submissions:

- i. That the removal was effected without any departmental inquiry, without examination of witnesses, and without supplying documents relied upon. The show-cause notices did

not specify the alleged misconduct attributable to the appellant personally.

- ii. The Kazis Act, 1880, does not create vicarious criminal or disciplinary liability. The appellant cannot be held liable for the acts of Naib Qazis appointed under Section 3, especially when they have been acquitted by criminal Courts.
- iii. That the Act does not define 'misconduct'. The allegations of child marriages and issuance of divorce certificates do not amount to misconduct under the Act, especially when the appellant was never an accused or charge-sheeted in any criminal case.
- iv. That the show-cause notice dated 07.02.2025 proposed suspension, but the impugned order directed removal, which is impermissible without a fresh notice and opportunity.
- v. That the learned Single Judge erroneously relied on FIRs, police reports and complaints from rival Qazis, which are extraneous, biased and without evidentiary value.
- vi. That the learned Single Judge ignored the appellant's detailed explanations, acquittal orders and the report of the Assistant Commissioner of Police dated 14.07.2021, which explicitly stated that the Naib Qazis did not disclose any involvement of the appellant.

- vii. That the learned Single Judge exceeded the limited scope of judicial review under Article 226 by assuming the truth of allegations and rendering findings of guilt.

Submissions of learned counsel for the respondents

9. Learned Government Pleader for the State and the impleaded rival Qazis advanced the following submissions:

- i. That the Government has plenary power under Section 2 of the Act to suspend or remove a Qazi guilty of misconduct.
- ii. That the appellant, as the appointing authority of Naib Qazis, is responsible for their acts, especially when they were involved in serious offences, such as, child marriages and illegal divorce certificates.
- iii. That the show-cause notices were issued and the appellant submitted replies, which were considered unsatisfactory.
- iv. That the material on record, including multiple FIRs, police reports and complaints from other Qazis, provided sufficient basis for the Government to conclude that the appellant was unfit to continue in office.
- v. The learned Single Judge correctly applied the Doctrine of Vicarious Liability and upheld the removal order in the interest of public morality and governance. Thus, the writ petition was rightly dismissed and no interference is warranted.

10. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

11. It is pertinent to note that as per Section 2 of the Act, it empowers the State Government to appoint, suspend, or remove a Qazi on grounds including misconduct in the execution of his office. The provision does not define 'misconduct', nor does it prescribe any procedure for inquiry. However, the absence of a statutory procedure does not absolve the State from complying with the fundamental principles of natural justice, especially when the removal entails serious civil consequences.

12. It is to be noted that the cornerstone of administrative fairness is adherence to the principle of *audi alteram partem*, which mandates that no person shall be condemned unheard. However, in the present case:

- i. the show-cause notice dated 07.02.2025 made a vague and omnibus reference to an alleged involvement of Naib Qazis in child marriages on the basis of an ACP's report. Significantly, the notice did not attribute any specific act, omission, or misconduct to the appellant individually, nor did it disclose the precise allegations requiring rebuttal.

- ii. No proper departmental inquiry was conducted prior to the removal. The appellant was not afforded a reasonable opportunity to defend himself against the specific charges.
- iii. The appellant's detailed reply, along with the documentary material including orders of acquittal and police reports exonerating him of any wrongdoing, was summarily rejected without recording any reasons.
- iv. The show-cause notice proposed the lesser penalty of 'suspension', the final order imposed the extreme penalty of 'removal' from service, which carries far graver civil consequences. This enhancement of punishment was effected without issuing any fresh notice or affording an additional opportunity of hearing, thereby vitiating the decision-making process. The relevant portion of the show-cause notice dated 07.02.2025 is extracted hereunder for ready reference:

5. Therefore, Sri Mohd. Zaheeruddin, Addl. Khazi, Qile Mohd. Nagar, Hyderabad is directed to Show Cause, as to why you should not be suspended from the post of Addl. Khazi, for holding him responsible for involvement of his Niab Khazis for performing child Marriages and various other illegal activities and they have been arrested by various Police Stations and as reported by the ACP, Falaknuma, South Zone, Hyderabad dated 27-04-2021, and keeping in view of the Common Judgment of the Hon'ble High Court dated 30-09-2024 in W.P.Nos.38879 of 2022 and 34194 of 2017, within (15) days, failing which, it will be construed that, he has no explanation to offer in the matter and further action will be initiated based on records and as per the Provisions of Kazis Act, 1880, and the guidelines/instructions issued vide G.O.Ms.No.24, Minorities Welfare (Estt.I) Department, dated 29-04-2022.

(emphasis supplied)

13. In our considered view the learned Single Judge erred in holding that the mere issuance of a show-cause notice amounts to compliance with the principles of natural justice. This view is contrary to the established jurisprudence that removal from an office carrying civil consequences must be preceded by a fair inquiry conducted in accordance with principles of natural justice.

14. Equally apposite is the ratio in **State of Orissa v. Dr.(Miss) Binapani Dei and others**¹, wherein the Apex Court held that even an administrative order which entails civil consequences must conform to the principles of natural justice. The impugned order of removal, which adversely affects the appellant's livelihood, status, and reputation, undoubtedly entails serious civil consequences and could not have been passed in breach of these fundamental safeguards.

15. It is to be noted that the Act does not envisage any vicarious criminal or disciplinary liability of a Qazi for acts allegedly committed by his Naib Qazis. In the absence of an express statutory provision creating such liability, none can be implied.

16. In this regard, the reliance placed by the learned Single Judge on the doctrine of *respondeat superior* and general principles of vicarious liability applicable to civil law is misplaced, such doctrines being inapplicable to disciplinary proceedings governed by a special statute like the Kazis Act.

¹ AIR 1967 SC 1269

17. In the absence of a statutory definition, 'misconduct' must necessarily involve a wilful breach of duty, moral turpitude, or conduct unbecoming of the office. Mere general and vague allegations, unsupported by proof, cannot be equated to misconduct. Treating unsubstantiated and unproven allegations as misconduct is legally impermissible.

18. It is to be noted that the impugned order and the learned Single Judge's order heavily relied on complaints and affidavits filed by Respondent Nos.4 to 11 and FIRs and police report. Reliance on such extraneous material vitiates the decision. FIRs and police reports are merely allegations and do not constitute proof. The learned Single Judge erred in treating them as established facts.

19. In the present case, the conversion of the proposed penalty from 'suspension' to the graver penalty of 'removal' without issuance of a fresh or specific notice violates the requirement of specificity in disciplinary proceedings. Further, the impugned Government Order in G.O.Rt.No.65 is wholly unreasoned and fails to disclose any application of mind. Though the order purports to have been passed 'after careful examination', the manner in which the department has considered the explanation offered by the appellant clearly demonstrates complete non-application of mind and non-consideration of the record, inasmuch as the explanations submitted by the appellant were rejected by bald and repetitive observations that

the same 'is not satisfactory'. The material portion of the G.O. so far as is relevant are extracted hereunder:

5. In the reference 7th read above. Show Cause Notice issued to Sri Mohd. Zaheeruddin, Addl. Khazi. Qile Mohd. Nagar, Hyderabad, based on the above Common Judgment of the Hon'ble High Court dated 30-09-2024 in W.P.Nos.38879 of 2022 and 34194 of 2017, In the reference 8th read above, he has submitted his explanation which is not satisfactory, since the Addl. Khazi is responsible for the act done by his Naibeen (Deputy Khazis) appointed by him.

7. In the reference 10th read above, Sri Mohd. Zaheeruddin, Additional Khazi, Qila Mohammed Nagar, Hyderabad was called upon to Show Cause why disciplinary action should not be initiated against him for issuing Divorce Certificate contrary to existing Law. In the reference 11th read above, he has submitted his explanation, which is not satisfactory.

10. In the reference 15 read above, Show Cause Notice Issued to Sri Mohd. Zaheeruddin, Additional Khazi, Qile Mohammed Nagar, Hyderabad. In the reference 16th read above Sri Mohd. Zaheeruddin, Addl. Khazi. Qile Mohammed Nagar, Hyderabad has submitted his explanation, stating that, he and his Naib Khazis are performing the marraiges only in their Qazzath Zones which was fixed by the then Nizam's Government, which is not satisfactory.

(emphasis supplied)

Such a mechanical approach without any analysis of the defence or consideration of the material placed on record, particularly while imposing a major penalty of removal, renders the impugned order arbitrary and unsustainable in law.

Conclusion

20. For the foregoing reasons, this Court is of the considered view that the removal of the appellant is held to be vitiated by violation of the principles of natural justice, absence of a proper inquiry and reasonable opportunity. The impugned Government Order is palpably arbitrary and unreasonable. Therefore, the learned Single Judge erred in dismissing the writ petition.

21. Accordingly, this Writ Appeal is allowed. The order dated 25.11.2025 passed by the learned Single Judge in W.P.No.24449 of 2025 is set aside. Consequently, G.O.Rt.No.65 dated 07.08.2025 issued by the State Government removing the appellant from the post of Additional Qazi is quashed and set aside. It is made clear that this judgment shall not preclude the State Government from initiating any fresh action against the appellant in accordance with law, provided such action is based on specific allegations and conducted in strict compliance with the principles of natural justice including a fair inquiry and reasonable opportunity of defense. No order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/-K.SRINIVAS RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Govt Minority Welfare Dept, Secretariat Hyderabad, State of Telengana.
2. The Dist. Collector and District Magistrate, Hyderabad Dist. Hyderabad.
3. The Revenue Divisional Officer, Hyderabad Division, Hyderabad.
4. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
5. The Section Officer, Writ Posting Section, High Court for the State of Telangana at Hyderabad.
6. One CC to SRI SULTAN MOHIUDDIN, Advocate [OPUC]
7. One CC to SRI V.M.M.CHARY, Advocate [OPUC]
8. One CC to SRI P.PANDU RANGA REDDY, Advocate [OPUC]
9. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CD Copies

BSR

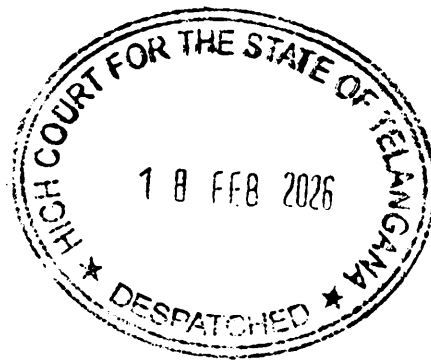


HIGH COURT

DATED: 11/02/2026

JUDGMENT

WA.No.90 of 2026



**ALLOWING THE WRIT APPEAL,
WITHOUT COSTS**

(13)
Kp
18/2/26