APHC010340452026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

THURSDAY, THE 16th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 18204/2026

Between:

Edubelli Sai Krishna Rao **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. POSANI AKASH

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.18204 of 2026

O R DE R:

1. This writ petition is filed declaring the action of the Respondent–authorities in initiating parallel disciplinary proceedings against the Petitioner vide G.O.Rt.No.03 School Education (VIG) Department, dated 02.1.2024, pending C.C.No.33 of 2024 on the file of III Additional District Judge-cum-Special Judge for SPE & ACB cases, Visakhapatnam, as illegal and arbitrary.

2. The facts relevant to the purpose of this case are as under:

The Petitioner is working as School Assistant in the Respondents School. While so, a Criminal case in FIR No.01 of 2020 of ACB Police Station, Vizianagram under Section 7 (a) of the Prevention of the Corruption Act, 2018 was registered against the Petitioner on the allegation that he demanded an amount of Rs.7,000/- as bribe to handover SSC Mark Lists and TCs of Nine students, who passed SSC exams in 2017 and 2018, and the Police, after investigation, filed Charge Sheet before the court having jurisdiction, and the same was taken cognizance of by the Court and numbered as C.C.No.33 of 2024 on the file of III Addl. District Judge-cum-Special Judge for trial of SPE and ACB cases, Visakhapatnam.

3. Learned counsel for the Petitioner submits that parallelly, the Respondent Authorities initiated Departmental Proceedings based on the crime registered

against the Petitioner. The Petitioner further submits that the criminal case and the disciplinary case are with respect to the same incident, and it will cause prejudice to the Petitioner. The Petitioner placed reliance on the judgment of the Hon'ble Supreme Court in ***M.Paul Anthony v. Bharat Gold Mines Limited***[1].

4. Learned Assistant Government Pleader would submit that there is no bar to proceed with the enquiry simultaneously and placed reliance on the judgment of the Hon'ble Supreme Court in ***Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others***[2]***.***

5. ***Reasoning***: The departmental proceedings were initiated against the Petitioner based on the involvement of the Petitioner in the said criminal case. The list of witnesses mentioned in Annexures and the list of witnesses in the charge sheet are almost similar. The Hon'ble Supreme Court ***in State Bank of India and others v. Neelam Nag and another***[3], balancing the interest of department for expeditious conclusion of departmental enquiry as well as the prejudice of departmental enquiry on the criminal case affecting the delinquent, issued directions to the Sessions Court to complete the Criminal Trial as expeditiously as possible, not later than one year from the date of the order. Paragraphs 27 to 29 thereof are extracted below:

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[1] 1999 (3) SCC 679
[2] (2019) 6 SCC 155
[3] (2016) 9 SCC 491

27. Accordingly, we exercise discretion in favour of Respondent 1 of staying the ongoing disciplinary proceedings until the closure of recording of evidence of prosecution witnesses cited in the criminal trial, as directed by the Division Bench of the High Court and do not consider it fit to vacate that arrangement straightaway. Instead, in our opinion, interests of justice would be sufficiently served by directing the criminal case pending against Respondent 1 to be decided expeditiously but not later than one year from the date of this order. The trial court shall take effective steps to ensure that the witnesses are served, appear and are examined on day-to-day basis. In case any adjournment becomes inevitable, it should not be for more than a fortnight, when necessary.

28. We also direct that Respondent 1 shall extend full cooperation to the trial court for an early disposal of the trial, which includes cooperation by the advocate appointed by her.

29. If the trial is not completed within one year from the date of this order, despite the steps which the trial court has been directed to take, the disciplinary proceedings against Respondent 1 shall be resumed by the enquiry officer concerned. The protection given to Respondent 1 of keeping the disciplinary proceedings in abeyance shall then stand vacated forthwith upon expiry of the period of one year from the date of this order.

6. In view of the above, the Writ Petition is disposed of with the following directions:

(i) The departmental proceedings initiated against the Petitioner vide G.O.Rt.No.03 School Education (VIG) Department, dated 02.1.2024, shall remain stayed for a period of one year only from today.

(ii) The learned Special Judge for trial of SPE and ACB cases, Visakhapatnam, shall complete the trail in C.C.No.33 of 2024, pending on its file, as expeditiously as possible, preferably within a period of one year considering the fact that the departmental proceedings are stayed.

(iii) The Petitioner shall file a copy of this order before the concerned Court and shall co-operate for expeditious disposal of the criminal case.

(iv) If the trial is not concluded within the period of one year, the departmental proceedings can be proceeded with.

(v) No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

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NYAPATHY VIJAY, J

Date: 16.07.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO:18204/2026

Dt. 16.07.2026

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