

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION NO.235 OF 2014

DATED:19.1.2015

Between:

R. Sarathbabu ... Petitioner

And

The State of Andhra Pradesh
Rep. by its Principal Secretary
Vigilance Department
Secretariat
Hyderabad
and others

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION NO.235 OF 2014

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed by a practising Advocate of Anantapur District, for a Writ of Mandamus, declaring the action of the respondents in not conducting any enquiry on the basis of the petitioner's representation dated 10.11.2012, as illegal and arbitrary. Consequential relief has been prayed for in the form of a direction to the respondents to conduct an enquiry into the issue raised in the representation dt.10.11.2012 and to take an appropriate action in the matter.

2. It appears that a representation has been made by the petitioner alleging irregularities and misappropriation of funds of Sri Krishnadevaraya University in supply of sweets, mixture, chicken and eggs to the University Hostels from the year 2008. Though there has been a report by the sixth respondent, alleging irregularities and fraud, necessary action has not been taken.

3. If we look at the writ petition and the prayer thereof, ordinarily this Court cannot intervene in the matter, as nothing has been shown that the University authorities should take action under the law pursuant to the

representation of the petitioner, who is not personally involved. However, when we see the counter affidavits in this matter, we think that the petitioner's representation has assumed importance and relevance, as pursuant thereto the university authorities have decided to take action. In the affidavit we notice that an enquiry committee has been constituted comprising a number of persons initially. However, that committee has not done anything else. Thereafter, the Enquiry Officers appointed were changed from time to time and, ultimately the University appointed a retired Professor, namely, K. Nageswara Rao, as one-man committee. However, he has not done anything in the matter.

4. The statement and averment in the counter affidavit of the sixth respondent shows that the intention of the University is to drag on the matter and not to give any logical conclusion to the issue. We are not happy with this methodology and the action being taken by the University.

5. We therefore remove Professor Nageswara Rao (Retired), who has been appointed recently as one-man committee by the University, and in his place and instead, we think that a retired District Judge of the State of the Andhra Pradesh, preferably residing in Anantapur District, can be appointed as Enquiry Officer, replacing the Officer chosen by the university authorities.

6. Accordingly, we appoint Kumari V.K. Saraswati, a retired District Judge, Enquiry Officer, and she will give a fact finding finally taking note of the final report dt.6.2.2013 and also the complaint of the writ petitioner. While doing so, after arriving at the fact-finding, she will recommend action to be taken. This shall be completed within a period of four months from the date of receipt of a copy of this order.

7. All the expenses and remuneration of the Enquiry Officer appointed by us shall be borne by the university. The Enquiry Officer will fix her own remuneration in consultation with the university authorities. The compliance report shall be filed by the Enquiry Officer, within five months from the date of communication of this order. If there is any problem, it is open to the Enquiry Officer to approach the Registry for appropriate relief.

8. The public interest litigation is accordingly closed.
Pending miscellaneous petitions in this public interest litigation shall stand dismissed. There will be no order as to costs.

Matter to appear after five months, for reporting compliance.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

19.1.2015
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