

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.602 of 2016

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Date: 06.01.2016

Between:

Mushtaq Hussain

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Minority Welfare Dept.,
Hyderabad and 3 others.

.. Respondents

Counsel for the petitioner :

Mr.Abdul Muqeeth Qureshi

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The Court made the following:

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Order:

Feeling aggrieved by the purported inaction

of respondent No.2 in considering the petitioner's representation, dated 19-12-2015, for change of enquiry officer, the petitioner filed this Writ Petition.

I have heard Mr.Abdul Muqeeth Qureshi, learned Counsel for the petitioner, and Mr.Mirza Shafiullah Baig, learned Standing Counsel for the Telangana State Wakf Board appearing for respondent Nos.2 to 4.

The petitioner was the Mutavalli of a Wakf Institution viz., Anjuman-e-lalamia. He was placed under suspension by the Chief Executive Officer of the Wakf Board on 25.04.2014. Respondent No.4 was appointed as an enquiry officer to hold enquiry into the allegations made against the petitioner. The petitioner averred that the enquiry officer has given a notice requiring him to attend the enquiry on 28.06.2014 at 11 a.m.; that accordingly, he has attended the enquiry, but the enquiry officer did not attend the office till 3.30 p.m.; that on that day, the enquiry officer has informed him that the next date of enquiry will be intimated to him in due course; that on 20-11-2015, the petitioner was served with charge memo, dated 19-11-2015, calling upon him

to submit his explanation; that accordingly, the petitioner has submitted his explanation on 05-12-2014 in person; and that the enquiry officer has posted the enquiry to 31-12-2015 for cross-examination of one Janab Fakruzzama Khan.

The petitioner is stated to have made a representation on 19.12.2015 to respondent No.2 wherein he has raised serious objection to the procedure being followed by the enquiry officer on the aspect such as issuing a fresh charge memo in the face of the charge memo already issued by the Chief Executive Officer on 25-02-2014. The petitioner has alleged that the enquiry officer has been displaying adverse attitude towards him and that therefore, he made a representation requesting respondent No.2 to change the enquiry officer and entrust the enquiry to some other enquiry officer. As no decision has yet been taken on the said representation, the petitioner filed this Writ Petition.

The learned Standing Counsel for Telangana State Wakf Board submitted that the allegations made by the petitioner in the representation are wholly without any basis. He is, however, unable to

state whether respondent No.2 has taken any decision on the petitioner's representation or not.

Having regard to the limited grievance of the petitioner that respondent No.2 has not been considering his representation, dated 19-12-2015, it is unnecessary for this Court to examine the correctness or otherwise of the contents of the said representation. Respondent No.2 being the competent authority to consider the said representation, ends of justice would be met if it considers the same, takes a decision thereon and communicates the same to the petitioner expeditiously.

Accordingly, respondent No.2 is directed to examine the petitioner's representation, dated 19-12-2015, for change of enquiry officer, take a decision thereon and communicate the same to the petitioner within two weeks from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition,

WPMP.No.745 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th January, 2016
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