

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1283 of 2016
and
WRIT PETITION No. 29062 of 2014

COMMON JUDGMENT: (Per VRS,J)

W.P.No.29062 of 2014 is filed seeking the issue of a writ of mandamus to direct the respondents 2 and 3 to conduct an enquiry into the complaint made by him against the 4th respondent and to take suitable action based upon the enquiry. Pending disposal of the writ petition, the writ petitioner prayed for an interim relief only to direct the 3rd respondent to complete the enquiry.

2. However, while admitting the writ petition and ordering notice, a learned Judge passed an interim order to the following effect:

“Rule nisi. Call for records. Notice returnable in four weeks.

It is submitted by the learned counsel for the 4th respondent that educational qualification certificate produced by the petitioner was not utilized for the purpose of initial appointment as well as for the present promoted post. However, learned counsel for the petitioner submits that if the said certificate is produced for the purpose of further promotion, the respondents shall conduct enquiry with regard to the genuineness of the said certificate on the basis of the complaint given by the petitioner.”

3. Aggrieved by the said order, the writ petitioner has come up with the above writ appeal. At the time when the writ appeal came up for admission, we directed the writ petition itself to be tagged along with the writ appeal, in view of the fact that the writ petition itself could be disposed of without going into the merits of the disputes. Therefore, both the writ appeal and the writ petition are posted before us.

4. The only prayer made in the writ petition by the writ petitioner is to direct the respondents 2 and 3 to look into his complaint against the 4th respondent and hold an enquiry. This is a very innocuous prayer, which need not wait perennially for disposal of the writ petition. If the 4th respondent is right, he can always come out clean. If the writ petitioner is right, it will be advantageous even to the Department to find out what is the truth.

5. Therefore, the Writ Petition is disposed of, directing the Commissioner, Endowments (Telangana), to look into the complaint of the writ petitioner, hold an enquiry after affording all opportunities to the 4th respondent to defend himself, and pass appropriate orders, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

6. In view of the disposal of the writ petition, nothing survives in the writ appeal. Hence, it is closed.

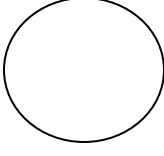
Consequently, miscellaneous petitions if any pending in the writ petition and the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

1st December, 2016
cbs





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