

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1658 OF 2017

DATED : 18.01.2017

Between :

Dr.G.Arjun, S/o.G.Yellappa,
Aged about 55 yrs, Occu : Reader,
R/o.H.No.4-104/F/3, Laxminagar,
Near Church, Street No.8, H.No.1-102,
Ramanthapur, Hyderabad.

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Petitioner

And

The State of Telangana,
Higher Education Department,
Rep., by its Principal Secretary,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the parties, the writ petition is disposed of at the admission stage.

2. Disciplinary proceedings were initiated against the petitioner and 4th respondent was appointed as enquiry officer to conduct enquiry into the allegations levelled against the petitioner. Petitioner expresses apprehension against the manner in which the 4th respondent would conduct enquiry and alleges bias against the 4th respondent. However, instead of asking for change of enquiry officer, petitioner wants a Government representative as part of the enquiry team to conduct enquiry along with the 4th respondent.

3. This contention of the petitioner goes against his own stand that he has no confidence in 4th respondent to conduct enquiry impartially and therefore, even if a Government representative is appointed along with the 4th respondent, the allegation of bias can still stare at him.

4. When specifically asked, learned counsel for the petitioner was unable to point out provision in the service conditions which provide for constitution of a Committee of persons to conduct enquiry into the allegations. When that is so, no such direction as sought for can be granted.

5. It is also seen that petitioner has not made any complaint to the disciplinary authority against the bias of the 4th respondent. Thus, leaving it open to the petitioner to make a representation to

the disciplinary authority to change the enquiry officer, the writ petition is disposed of. However if such a request is made by the petitioner, the disciplinary authority shall consider the same objectively to change the enquiry officer. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

18th January, 2017
Rds

