

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.38293 of 2013

ORDER:

Heard learned counsel for the respondents. No representation on behalf of the petitioner.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the impugned G.O.Rt.No.243, Minorities Welfare (IDM) Department dated 18.12.2013, keeping the fourth respondent in Full Additional Charge for the post of Chief Executive Officer, A.P.State Wakf Board, as illegal and arbitrary.

3. The grievance of the petitioner appears to be that though Section 23 of the Wakf Act contemplates about filling up of full time Chief Executive Officer post, but for the reasons best known, the said post is being kept vacant at the instance of fourth respondent.

4. Learned Government Pleader submits that steps are being taken to fill up the said post.

5. Dealing with the identical aspect, this Court in W.P.No.4023 of 2006 observed as under:

“In the aforesaid circumstances, the Wakf Board is administered in clear transgression of the legislative and statutory mandate on account of the apparent negligence of the State Government in performing its obligations under the provisions of the Act. The State Government has no *sui generis* legislative or executive power to administrate Wakf Board. The power of the State Government is the grant of federal legislation. If that be so, the State Government, as an authority exercising powers delegated under the Union legislation, is required to scrupulously conduct its affairs in conformity with the legislative mandate of the federal legislation. The State Government in permitting the continuance of the 3rd respondent as Incharge Chief Executive Officer pursuant to the appointment of the unqualified 3rd

respondent by the 4th respondent constitutes a failure by the State Government of its statutory responsibility and obligations under Section 23 of the Act read with Rule 14 of the Rules”.

6. Having regard to the above, the writ petition is disposed of directing the State Government to consider the appointment of a person as regular Chief Executive Officer, in terms of the Wakf Act and Rules, within a period of four weeks from the date of receipt of a copy of the order, if not already appointed, in accordance with law. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

25.04.2017
vnb



JUSTICE C. PRAVEEN KUMAR