

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.12074 OF 2018

O R D E R

This writ petition is filed challenging the proceedings in Rc.No.A2/971/2018 dated 23.03.2018 issued by the 5th respondent – District Educational Officer, wherein and whereby, the petitioner was suspended pending inquiry on certain allegations.

Learned counsel for the petitioner submits that as per Rule 13 Clause 17(a) of Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 (for short 'the Rules'), only the 3rd respondent – Regional Joint Director of School Education, is the competent authority to issue orders of suspension, whereas in the present the District Educational Officer, issued the impugned proceedings and hence the same is without jurisdiction.

On the other hand, learned Assistant Government Pleader for Services relying on Rules 14 and 15 of Rules, submit that District Educational Officer, is competent to suspend the petitioner pending inquiry and hence the impugned suspension may not be interfered with.

Clause 17(a) of Rule 13 of Rules, reads as under:

Class of members of the State Services	Authority which may place under suspension under Rule 8
17 (a) Other members of State Services holding initial Gazetted post	Regional authority or where no regional authority exists, the Head of the department.

A reading of the above provision makes it clear that in case of members of State Services holding initial gazetted post, the competent authority for placing them under suspension would be the regional authority, or where no regional authority exists, the Head of the Department concerned, would be the competent authority.

In the present case, petitioner is working as Head Master, Grade –II Gazetted. Therefore, the competent authority as per Rule 13, Clause 17(a) of the Rules, would be the regional authority, or where no regional authority exists, the Head of the Department, would be competent to issue orders of suspension. In the present case, the regional authority is the 3rd respondent - Regional Joint Director of School Education, and the Head of the Department, is the 2nd respondent - Director of School Education or the Government. Therefore, under clause 17(a) of Rule 13, either of the above said authorities, would be competent, to pass the impugned order of suspension, pending inquiry. But, the 5th respondent - District Educational Officer, passed the impugned order of suspension. As per the above provision, he is neither the regional authority, nor the head of the department. Hence, the impugned order is without jurisdiction.

Rule 14 of the Rules has no application to the facts of the present case, since the said provision deals with competent authority to pass orders of suspension in respect of subordinate services. Petitioner herein is holding the gazetted post, and does not fall in subordinate services. Under Rule 15 of the Rules, the appointing authority or any authority to which it is subordinate including the Government, may place the member of a service, to whom the Rules apply, under suspension. The District Educational Officer in the present case, who issued the impugned

suspension order, is neither the appointing authority or is subordinate to the appointing authority. Therefore, Rule 15 of the Rules also has no application.

Since the impugned order passed by the 5th respondent is without jurisdiction, the same is set aside.

However, this order will not preclude the competent authority to take appropriate action in accordance with law.

Writ petition is accordingly allowed to the extent indicated above.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.PAJASHEKER REDDY,J

DATE:24—04—2018

AVS

