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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 04.11.2025***
Judgment pronounced on: 14.11.2025

\+ W.P.(C) 16035/2025, CM APPL.65698/2025 (for stay), CM APPL. 65699/2025 (for exemption) & CM APPL.65700/2025 (for exemption)

MUJAHAT ALI KHAN .....Petitioner

Through: Mr. Hitesh Kumar, Mr. Nishant Singh and Mr. Vishal Yadav, Advocates.

versus

LOKPAL OF INDIA THROUGH UNDER SECRETARY ....Respondent

Through: Mr. Nishant Katneshwar and Mr. Vijay Singh, Advocates

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Writ Petition has been filed under Articles 226 and 227 of the **Constitution of India**[1] read with Section 151 of the Code of Civil Procedure, 1908, seeking quashing of the **Orders dated 21.02.2025 and 23.09.2025**[2] passed by the Respondent- **Lokpal of India**[3], as well as all consequential and further proceedings arising out of Complaint No. 190/2024 initiated against the Petitioner.

[1] COI
[2] Impugned Orders
[3] Lokpal

2. By the Impugned Order dated 21.02.2025, after considering the Preliminary Inquiry Report, the comments of the Competent Authority, the observations of the Investigating Officer, and the statements of the public servants, the learned Lokpal held that a *prima facie* case existed warranting a detailed investigation into the alleged manipulation of OMR sheets in favour of certain candidates in the Departmental Promotion Examination conducted by the West Central Railway. Accordingly, the Lokpal directed the **Central Bureau of Investigation**[4] to conduct a deeper probe under Section 20(3)(a) of the **Lokpal and Lokayuktas Act, 2013**[5].

3. Subsequently, upon receipt of the Investigation Report, by Order dated 23.09.2025, the Lokpal called upon the concerned public servants and the Competent Authority to furnish their comments in terms of Section 20(7) of the said Act.

BRIEF FACTS:

4. The Division Railway Manager's Office, Kota (West Central Railway), conducted a Departmental Promotion Examination for the post of Chief Loco Inspector on 13.05.2023 and 17.05.2023. A total of 96 candidates participated, and the final result was published on 15.09.2023, wherein the Petitioner was declared successful.

5. On 06.09.2024**,** a complaint was lodged before the learned Lokpal alleging tampering of OMR sheets of the said departmental examination in exchange for Bribe. The complaint was registered as Complaint No. 190/2024.

6. On 20.09.2024, the Full Bench of the learned Lokpal, invoking powers under Section 20(1)(a) of the Lokpal Act, directed the **Central**

[4] CBI
[5] Lokpal Act

Bureau of Investigation[6] to conduct a Preliminary Inquiry into the allegations. The Preliminary Inquiry Report was submitted on 09.12.2024**.**

7. Thereafter, the Competent Authority submitted its comments, and upon consideration of the Preliminary Inquiry Report, the learned Lokpal passed an Order dated 15.01.2025, observing that a detailed investigation by the Investigating Agency would be necessary to ascertain the role and responsibility of the officials involved. In terms of Section 20(3) of the Lokpal Act, the learned Lokpal issued show cause notices to five officers of the West Central Railway, referred to as RPS-1 to RPS-5, to file written submissions and appear personally or through counsel on 12.02.2025.

8. The RPS-1 to RPS-5 filed their respective written submissions and appeared before the learned Lokpal on 12.02.2025. After considering their oral and written submissions, along with the observations of the Inquiry Officer, the learned Lokpal passed the first Impugned Order dated 21.02.2025. The Petitioner, however, was neither called for participation nor heard by the learned Lokpal prior to the passing of the said Order.

9. By the way of Impugned Order dated 21.02.2025, the learned Lokpal recorded certain critical findings which are as follows:

(i) Discrepancies had been confirmed between the original and carbon copies of OMR sheets as per the **Central Forensic Science Laboratory, Bhopal**[7]**.**

(ii) The OMR sheets were in possession of the Evaluating Officer (RPS-2) when tampering was alleged, and

[6] CBI
[7] CFSL

(iii) Telephonic communications existed between the candidate and the Evaluating Officer.

10. On this basis, the learned Lokpal concluded that there was a *prima facie* case suggesting manipulation of OMR sheets, which might have occurred through acts of commission or omission by one or more public servants. The learned Lokpal, therefore, invoked Section 20(3)(a) of the Lokpal Act and directed the CBI to carry out a detailed investigation. Learned Lokpal further directed that the investigation be completed within six months, as mandated by Section 20(5). The Order also directed the CBI to maintain confidentiality as required by the Rules.

11. Pursuant to the said order, the CBI registered an **FIR being RC2172025A0007 dated 11.03.2025**[8] under Sections 120B, 218, 420, 467, 468, 471 of the **Indian Penal Code, 1860**[9], and Sections 7 & 8 of the **Prevention of Corruption Act, 1988**[10]. In the FIR, the Petitioner was shown as Accused/RPS-6**.**

12. After conducting its investigation, the CBI submitted its Investigation Report dated 09.09.2025 under Section 20(3)(a) of the Lokpal Act, recommending prosecution against the Petitioner and one of the earlier-named RPSs (RPS-2).

13. On receipt of the said Investigation Report, the learned Lokpal passed its second Impugned Order dated 23.09.2025**,** directing that, before proceeding further under Section 20(7) of the Lokpal Act, the concerned public servants and the Competent Authority be called upon to furnish comments on the Investigation Report within two

[8] FIR
[9] IPC
[10] PCA

weeks, i.e., on or before 07.10.2025**.**

14. In compliance with this direction, the learned Lokpal issued a letter dated 25.09.2025 to the Principal Executive Director (Vigilance), Railway Board, seeking the comments of the Petitioner within two weeks. Subsequently, the Vigilance Department issued a letter dated 01.10.2025**,** enclosing the learned Lokpal's communication, which was served upon the Petitioner on 03.10.2025. The Petitioner thereafter submitted a short representation dated 07.10.2025 before the learned Lokpal.

15. The Petitioner has approached this Court contending that he was never named or heard as an RPS under Section 20(3) of the Lokpal Act prior to initiation of investigation or registration of FIR and, therefore, the Impugned Orders and subsequent proceedings are void, being contrary to the Principles of Natural Justice.

CONTENTIONS OF THE PETITIONER:

16. Learned Counsel for the Petitioner would contend that the procedure prescribed under Section 20 of the Lokpal Act, mandates that any public servant against whom the learned Lokpal proposes to proceed must be given a prior opportunity of being heard before directing an investigation and since the Petitioner was never issued any notice or summoned under Section 20(3), the Impugned Orders and all proceedings emanating therefrom are vitiated and liable to be quashed.

17. Learned Counsel for the Petitioner would contend that from a bare perusal of the Impugned Order dated 21.02.2025, it is evident that the learned Lokpal issued show cause notices only to RPS-1 to RPS-5, and the Petitioner was not named or included as a Respondent

Public Servant at that stage, and therefore, the subsequent registration of FIR by the CBI against him as RPS-6 by the Investigating Agency was mechanical, arbitrary, and without jurisdiction.

18. Learned Counsel for the Petitioner would contend that the Impugned Order dated 23.09.2025, while calling for comments from the concerned public servants under Section 20(7), acknowledges that opportunity of hearing had been extended only to RPS-1 to RPS-5 pursuant to the earlier order dated 15.01.2025, and hence, the Petitioner, who was never so heard, could not be retrospectively brought within the ambit of the proceedings.

19. Learned Counsel for the Petitioner would contend that the first communication to him was only *vide* the letter dated 01.10.2025 (served on 03.10.2025), requiring comments within three days. It would be contended by the learned Counsel that such perfunctory and belated notice cannot be construed as compliance with Section 20(3) or a meaningful opportunity to defend himself.

20. Learned Counsel for the Petitioner would contend that the intent and spirit of Section 20(3) of the Lokpal Act is to ensure observance of the doctrine of *audi alteram partem* before any adverse or penal action is taken and the omission to provide such hearing before directing investigation has rendered the entire process *void ab initio.*

21. Learned Counsel for the Petitioner would further contend that the Impugned Orders have been passed without application of mind, are arbitrary and unreasonable, and have resulted in serious prejudice to him, including the registration of a criminal case.

22. Learned Counsel for the Petitioner would contend that the Investigation Report dated 09.09.2025 itself records that no suspicious

or incriminating financial transaction was found in his bank accounts, thereby negating the allegation of receipt of bribe, and despite this exculpatory material, the Respondent proceeded mechanically against him.

23. Learned Counsel for the Petitioner would further contend that the Respondent, having sought comments under Section 20(7) of the Lokpal Act only at the post-investigation stage, could not retrospectively cure the initial procedural defect of not granting a hearing under Section 20(3) prior to ordering the investigation.

CONTENTIONS OF THE RESPONDENT:

24. Learned Counsel for the Respondent would contend that the Impugned Orders have been passed strictly in accordance with the provisions of the Lokpal Act, upon due consideration of the materials placed before the learned Lokpal and after following the statutory procedure prescribed under Section 20 of the Lokpal Act.

25. It would be submitted by the learned Counsel for the Respondent that the Impugned Orders were passed after a reasoned and objective consideration of the Preliminary Inquiry Report submitted by the CBI, along with the comments of the Competent Authority and the observations of the Inquiry Officer. It would further be submitted by the learned Counsel that the said reports revealed discrepancies in the OMR sheets of the departmental promotion examination conducted by the West Central Railway, thereby necessitating a deeper probe to fix responsibility.

26. Learned Counsel for the Respondent would further contend that the Order dated 21.02.2025 merely directed an investigation under Section 20(3)(a) of the Lokpal Act, which is an administrative and

procedural step intended to ascertain the truth of the allegations, and does not, by itself, determine the guilt or liability of any public servant, including the Petitioner.

27. Learned Counsel for the Respondent would also contend that the principles of natural justice stand duly satisfied, as the Petitioner was served with the relevant materials and allowed to file his Representation by 07.10.2025, and further, the proceedings are still at a pre-decisional stage, and therefore, the present Writ Petition is premature.

28. It would further be submitted by the learned Counsel for the Respondent that the learned Lokpal's directions have been issued in the interest of maintaining probity and transparency in public administration, and no violation of Articles 14, 19 or 21 of the Constitution can be alleged. It would also be submitted by the learned Counsel that the Impugned Orders, being reasoned, lawful, and within jurisdiction, do not warrant interference by this Court in its extraordinary writ jurisdiction.

ANALYSIS:

29. Having heard the submissions advanced by learned Counsel for both parties, and upon a careful consideration of the pleadings, documents, and the Impugned Orders, this Court now proceeds to address the question that has arisen before us.

30. The solitary issue before this Court is whether, in proceedings before the learned Lokpal, it is incumbent upon the said statutory authority to adhere to the procedural safeguards enshrined in the Lokpal Act, and in particular the mandate of Section 20(3) thereof, in circumstances where, pursuant to an inquiry or investigation, a person

who was not originally named or arrayed in the complaint is subsequently found to be connected with the alleged acts under scrutiny.

31. Before proceeding further, we deem it appropriate to extract the relevant portion of the Impugned Orders dated 21.02.2025 and 23.09.2025, which reads as follows:

ORDER DATED 21.02.2025

"**1.** This complaint is against the officials of West-Central Railway. It is alleged hat here is tampering of OMR sheets concerning departmental promotion exams, in exchange of bribe

2. The Full Bench vide order dated 20.09.2024, directed Central Bureau of Investigation (for short, CBI) to conduct Preliminary Inquiry (for short, P1) in terms of Section 20(1)(a) of the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013). After several extensions of time, CBI vide letter dated 09.12.2024, submitted Pl Report. The said Report was considered by the Full Bench on 11.12.2024, and directed Inquiry Officer (for short, IO) to submit the comments of the Competent Authority along with his observations thereon. CBI, vide letter dated 09.01.2025, forwarded the comments of the Competent Authority and observations of IO thereon.

3. The final conclusion in PI Report is as under:

> "The Inquiry into the written examination on May 17, 2023, revealed discrepancies in the original OMR sheet and carbon copy of the candidate xxxxxxx (name redacted). The CFSL Bhopal report confirmed that certain answer circles were absent or lightly printed in the said carbon copy.
>
> Call records revealed that Shri xxxxxx (name redacted) the and Shri xxxxxx (name redacted) exchanged calls while the original OMR sheets were in possession of Shri xxxxxx (name redacted) The coding and decoding process was done by Shri xxxxxxx (name redacted),; with confidential staff present. The confidential code was known only to them. However, there is one more possibility that the alleged candidate shared information about his OMR sheet, such as details of unanswered questions, with Shri xxxxxx (name redacted).
>
> For Shri xxxxxx (name redacted), to alter Shri xxx (name redacted) OMR sheet he would need the confidential code. Since Shri xxxxxxx (name redacted) wasn't part of the coding process, he wouldn't have had access to this

information. Therefore, it can be inferred that if Shri xxxxxx (name redacted) was able to alter the OMR sheet of the alleged candidate, it is likely that either Shri xxxxxxx (name redacted), Shri xxxxxxx (name redacted) or Shri xxxxxx (name redacted) shared the confidential code with Shri xxxxx (name redacted), compromising the integrity of the examination process. However, there is one more possibility that the Mr. xxxxxxx (name redacted) shared information about his OMR sheet, such as details of unanswered questions with Shri xxxxxx (name redacted).

The Inquiry suggests that xxxxxx (name redacted) may have altered the OMR sheet, potentially influencing the evaluation outcome. However, the said allegation No 1 against RPS Shri xxxxxx (name redacted) exists in a grey area, where it is neither substantiated nor unsubstantiated as regards his role in manipulation of OMR sheets concerned. This ambiguous status indicates that the inquiry has not yielded conclusive evidence to either prove, or disprove the allegation against Shri xxxxxx (name redacted). However, on examination of statement of bank accounts of RPS Shri xxxxx (name redacted) and other relevant persons, no unusual bank transactions has been found to indicate towards receipt of bribe as such bribery allegations is not substantiated."

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6. Considering the Preliminary Inquiry Report, Comments of the Competent Authority, observation of IO and statements of RPSs the Bench vide Order dated 15.01.2025 directed to issue Show Cause Notices for giving an opportunity of being heard to RPS-1 (Chief Office Superintendent/CS); RPS-2 (the Evaluating Officer): RPS-3 (the Coding/Decoding officer); RPS-4 (the Exam Officer) and RPS-5 (Chief Office Superintendent), in terms of Section 20(3) of the Act of 2013. The notice was also issued to the Complainant with an option to remain personally present or to authorize his representative on 12.02.2025. It was also directed to ensure that complete relevant records along with Pl Report is served on the complainant; RPSs forthwith with notice to appear personally or through authorized representative/advocate on the scheduled date and if so desires, they can file written submissions one week in advance

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10. After considering the Preliminary Inquiry Report and the relevant records accompanying therewith, Comments of the Competent Authority and Submissions as well as arguments of the RPSs, following facts emerge:

a) There has been a tampering of OMR sheets as per the report of the CFSL, Bhopal wherein 27 circles impressions were made in the OMR sheet which were not found on the carbon Copy of the OMR sheet
b) The original OMR sheets in sealed cover, were handed- over to the Evaluator, i.e., RPS-2, on the same day of examination after fixing of the code in the OMR Sheets and carbon copies of OMR sheets were kept in Confidential Section.
c) The Answer Key was forwarded to the Evaluator i.e., RPS- 2, on 23.06.2023. The OMR Sheets for the examination conducted on 13.05.2023 & 17.05.2023 were sent to him on the same dates and he was in possession of OMR sheets till 10.08.2023.
d) The answers on the OMR Sheets could have been changed only after the answer key was finalized and forwarded to the Evaluator i.e., RPS-2
e) This was a merit based examination and not a qualifying examination.
f) The alleged candidate and RPS-2 (the Evaluator) had exchanged calls on 20.07.2023, 09.08.2023, & 22.09.2023, in which the important call was held on 09.08.2023 i.e., the day before the OMR sheets were handed over by the RPS-2 to the Confidential Section.

11. Considering the above facts, we are of the considered opinion that there is manipulation of OMR sheet of the alleged candidate. This could have been possible only by the acts of commission or omission on the part of one or more than one named RPS or collectively to give undue advantage to a particular candidate. This is required to be dissected by way of a deeper inquiry, as it presupposes that RPSs have not performed their public duty with integrity and rectitude. There exists a *prima-faci*e case to proceed against the RPSs involved in this case. Therefore, we direct the CBI to carry out the investigation in this case in terms of section 20(3)(a) of the Act of 2013. The investigation should be completed within six months from the date of the order in terms of section 20(5) of the Act of 2013.

12. CBl is directed to keep the identity of the complainant and RPSs confidential as per provisions of Rule 4 and other enabling provisions of Lokpal Complaint Rules, 2020.

13.The case may be listed, in the first place, after three months. In case, the CBI is unable to complete the investigation until then, it may submit an interim report to indicate the progress made and the estimated time required.

14. Registry is directed to supply copy of this order to IO, Complainant, and Respondent Public Servants forthwith."

ORDER DATED 23.09.2025

"**1.** This complaint is against the official of West Central Railway. It is alleged that there was tampering of OMR Sheets used for Departmental Promotion Examination, to favour some candidates for consideration or so to say bribe. Considering the allegation, the CBI was directed to conduct Preliminary Inquiry (for short, PI) in terms of Section 20(1)(a) read with Section 20(2) of the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013) and submit the Report along with the comments of the Competent Authority.

2. The CBI, vide letter dated 09.12.2024 and 09.01.2025, submitted PI Report and comments of Competent Authority, respectively. The PI Report revealed discrepancies in the original OMR Sheet and Carbon Copy (for short, CC) of one of the candidates named Shri. xxxxx (name redacted; the alleged candidate). The CFSL, Bhopal Report confirmed that certain answers' circles were absent or light printed on said CC. The IO also examined the call records which revealed that Shri xxxxx (name redacted; the alleged candidate) and Shri xxxxx (name redacted), the Evaluating Officer, exchanged calls while the original OMR Sheets were in possession of the Evaluating Officer.

3. Vide order dated 15.01.2025, an opportunity of being heard was given to all concerned. After hearing them on 12.02.2025 and analysing the material available on record and observation of the IO, the CBI was directed to carry out investigation and a deeper probe into the allegations under Section 20(3)(a) of the Act of 2013, vide order dated 21.02.2025.

4. After taking several extensions, CBI, vide letter dated 09.09.2025 has submitted the Investigation Report on the basis of documents, statements and CDR analysis. The IO has noted that Shri. xxxxx (name redacted), the Evaluating Officer, by abusing his official position, manipulated the OMR sheet of co-accused (the alleged candidate). Thereby, the concerned candidate acquired highest marks to qualify the examination held for the post of Chief Loco Inspector. Further, the concerned candidate obtained undue advantage over other person, owing to the acts of commission and omission of the Evaluating Officer, by corrupt and illegal means.

5. CBI has recommended prosecution against the concerned candidate and the Evaluating Officer, under Section 120(B) read with Section 420, 467, 468 & 471 of IPC and Section 7 of Prevention of Corruption Act, 1988 (as amended) and substantive offences thereof. CBI has also recommended to take necessary action for removing the concerned candidate from the post of Chief Loco Inspector- since he got selected through illegal/corrupt means.

> **6.** Before we proceed further, as required in terms of Section 20(7) of the Act of 2013, we need to call upon the named RPSs being public servants to offer their comments with reference to the purported investigation report presented for our consideration by the CBI. We also request the Competent Authority to offer comments, if any, in reference to the purported investigation report under consideration. The comments of the named RPSs and of the Competent Authority be filed in the Registry of the Lokpal, within two weeks i.e., on or before 07.10.2025.
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> **7.** The Registry of the Lokpal is directed to forward relevant documents to the named RPS and the Competent Authority, for information and necessary action forthwith. Additionally, through online on the known/disclosed email address to ensure timely intimation.
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> **8.** Needless to underscore that all concerned must abide by the mandate of preservation of confidentiality requirement and protect the integrity of the process of investigation until appropriate order is passed by the Lokpal under Section 20(7) of the Act of 2013, as predicated in Section 20(9) of the Act of 2013 read with Rule 4(a) and (b) of the Lokpal (Complaint) Rules 2020.
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> **9.** List the matter on 14.10.2025."

32. At this juncture, we find it appropriate to place reliance upon the judgment delivered by this Court in ***Vinod Kumar Kataria v. CVO MOC & Ors.***[11], wherein the legislative background, object, and scheme of the Lokpal Act, as well as the contours and limitations of Judicial Review under Article 226 of the Constitution, were examined and elucidated in considerable detail. The decision delineates the framework governing the exercise of the learned Lokpal's Jurisdiction and the extent of interference permissible by this Court in Writ Jurisdiction. The relevant extracts of the said judgment, being germane to the present controversy, are reproduced herein below for ready reference:

> "**18.** It is pertinent to observe that the Lokpal Act establishes a self-contained and comprehensive statutory mechanism exclusively for the inquiry and investigation into allegations of corruption against

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public servants. The scheme ensures that the jurisdiction of the learned Lokpal is invoked in matters pertaining to alleged corrupt conduct.

19. A conjoint reading of the *Statement of Objects and Reasons* of the Lokpal Act, and the principles embodied in the **United Nations Convention Against Corruption**, to which India is a party, makes the legislative intent abundantly clear. The UNCAC, and in particular Article 36, obliges signatory States to establish autonomous bodies for the investigation of corrupt practices, including bribery and misuse of authority.

20. In furtherance of these international obligations, and by virtue of the enabling power under **Article 253** of the Constitution of India, the Parliament enacted the Lokpal Act to give domestic effect to the commitments arising under the UNCAC. The Lokpal Act thus constitutes a legislative measure directed solely at offences involving dishonest gain and corrupt practices by persons occupying public office(s). The enactment was conceived to create an independent and credible institution to combat serious acts of corruption and abuse of public office and not to examine matters of mere procedural deviation or administrative lapse.

21. A learned Single Judge of this Court, in ***Shibu Soren v. Lokpal of India*[12]*,*** undertook an examination of the background, object, and scheme of the Lokpal Act, as well as the scope of the High Court's jurisdiction while scrutinizing the mechanisms and procedures established under the said Act. The findings and reasoning in that judgment were subsequently affirmed by a Co-ordinate Bench of this Court. We consider it appropriate to reproduce the relevant portion of the said judgment, which reads as under:

> "**9.** The Apex Court in ***State of Madhya Pradesh.* v. *Ram Singh*, (2000) 5 SCC 88** has defined that corruption in a civilised society is a disease like cancer, which if not detected in time, is sure to maliganise the polity of the country leading to disastrous consequences. It is termed as a plague which is not only contagious but if not controlled spreads like a fire in a jungle. Its virus is compared with HIV leading to AIDS, being incurable. It has also been termed as royal thievery. The socio-political system exposed to such a dreaded communicable disease is likely to crumble under its own weight. Corruption is opposed to democracy and social order, being not only anti-people, but aimed and targeted against them. It affects the economy and destroys the cultural heritage. Unless nipped in the bud at the earliest, it is likely to cause turbulence —

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shaking of the socio-economic-political system in an otherwise healthy, wealthy, effective and vibrating society.

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30. It has also been held by the Apex Court that the efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post. [Refer to:— ***Swatantar Singh* v. *State of Haryana*, (1997) 4 SCC 14; *K.C. Sareen* v. *CBI*, (2001) 6 SCC 584; *Subramanian Swamy* v. *Manmohan Singh*, (2012) 3 SCC 64; *State of Gujarat* v. *Justice R.A. Mehta(Retd.)*, (2013) 3 SCC 1**].

31. The Lokpal and Lokayuktas Act, 2013 has been brought for establishment of a body of Lokpal for the Union and Lokayukta for the States to inquire into allegations of corruption against public functionaries. A perusal of the Statement of Objects and Reasons of the Lokpal and Lokayuktas Act indicates that the Administrative Reforms Commission way back in the year 1966 gave a report "Terms of Redressal of Citizens Grievances" recommending setting up of an institution of Lokpal at the Centre. The introduction to the Act reveals that the Lokpal and Lokayuktas Act is an anti-corruption law in India which has been established and the office of the Lokpal and Lokayukta has been established to inquire into corruption against public functionaries and for matters connecting them. The Act creates a mechanism for receiving and initiating complaints against public functionaries including the Prime Minister, Ministers etc. and prosecute them in a time bound manner.

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33. A perusal of the above Section indicates the establishment of a Lokpal consisting of a Chairperson who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person who fulfills the eligibility specified in Section 3(3)(b) and the Members have to be judicial members, i.e., the Person must be either a sitting or a retired Judge of the Supreme Court or a sitting or retired Chief Justice of a High Court. The Chairperson of the Lokpal has to be a sitting or retired Chief Justice of India or a sitting or a retired Judge of the Supreme Court or a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than 25 years in the matters of anti-corruption policy, public administration, vigilance, finance including insurance, banking, law and management.

34. The Act also provides that the Chairperson or a Member of the Lokpal shall not be Member of Parliament or a Member of the Legislature of any State or Union Territory and shall not be a person convicted of any offence involving moral turpitude and any person who is appointed as a Member of the Panchayat or Municipality or a person who has been removed or dismissed from service of the Union or the State or any person who is affiliated with the political party or carries on business or practice any profession is ineligible to be appointed as Lokpal unless the person resigns from the said practice or profession.

35. A perusal of the above Section shows that the institution of Lokpal is insulated from any outside pressure and it is a completely independent body and acts uninfluenced by any kind of pressure. A reading of the Act shows that the Act has been primarily brought in to instill confidence in the public regarding the integrity of persons holding high offices in the country including the Prime Minister. The Act provides for checks and balances also to ensure that persons holding high offices are not unnecessarily harassed by making stale complaints. Chapter VII of the Act deals with the procedure in respect of the preliminary inquiry and investigation.

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37. A perusal of Section 20 of the Act shows that the Lokpal on the receipt of the complaint does not immediately order for investigation by an agency including CBI unless there exists a *prima facie* case. A perusal of Section 20 of the Act also indicates that instead of ordering the investigation, the Lokpal first orders for a preliminary inquiry to ascertain whether there exists a *prima facie* case or not.

38. On receipt of the direction to conduct a preliminary inquiry, the agency appointed conducts preliminary inquiry on the basis of the material information and documents which it can collect. The agency also can seek comments on the allegations made against the public servant. The agency has to give a report within a period of 90 days and can seek for further time of 90 days. Section 20(1)(a) and Section 20 (3)(a) of the Act both mandates that before directing investigation to be done by any agency or the Delhi Special Police Establishment, the Lokpal has to call for explanation from the public servants so as to determine whether there exists a *prima facie* case for investigation. After hearing the public servant it is always open for the Lokpal to direct closure of the proceedings against the public servant and proceed against

the complainant under Section 46(1) of the Act against the complainant for filing a false complaint. The facts of the present case reveal that a notice has been given to the Petitioner under Section 20(3) of the Act when the Petitioner chose to approach this Court by filing the instant writ petition. The contention of the Petitioner primarily is that the complaint on the face of it does not disclose any offence which can be prosecuted under the Act.

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43. The whole purpose of the Act is to ensure purity in public service. In the process of statutory construction, the court must construe the Act before it and the attempt should always be to further the approach of the Act and to make it workable. It is trite law that if the choice is between two interpretations, the narrower of which will fail to achieve the purpose of Legislation then such construction or interpretation of the Act must be avoided as it will reduce the Legislation to futility. The Statute is designed to be workable and the interpretation thereof of a Court should be to secure that object unless crucial omission or clear direction makes that end untenable. [Refer to:— ***Whitney* v. *Inland Revenue Commissioner*, [1926] A.C. 37**].

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47. It is well settled that writ courts while exercising jurisdiction under Article 226 of the Constitution of India do not interfere if the matter is pending adjudication before an authority unless it is a case of patent lack of jurisdiction or where the nature of inquiry is for allegations which are so absurd and inherently improbable on the basis of which no prudent person can reach a just conclusion or where the proceedings have been initiated are so manifestly attended with malice or the proceedings are initiated with the intention of wrecking vengeance on a person with a view to spite him due to any political or oblique motives.

48. It is also well settled that the writ courts while exercising jurisdiction under Article 226 of the Constitution of India should not impinge on the mechanism provided under the Act unless as stated earlier when there is a patent lack of jurisdiction or that the complaint is vexatious which requires interference. Writ Courts cannot substitute themselves as an authority which has been vested with a duty under the Statute to consider as to whether there is material in it or not for ordering investigation. The writ petition, therefore, is premature in nature."

(emphasis supplied)

22. The Lokpal Act provides a complete and self-contained mechanism for inquiry into allegations of corruption against public servants. The scheme of the Act contemplates a Preliminary Inquiry under Section 20(1), to be followed by an Investigation only if the learned Lokpal, upon examination of the preliminary material, is satisfied that sufficient grounds exist to proceed further. The subsequent provisions of Section 20 of the Lokpal Act deal with the contingencies that may arise during such inquiries and investigations and prescribe the manner in which the proceedings are to be conducted both during and after the investigation by the competent authority.

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24. It must be borne in mind that the scope of judicial review under Article 226 of the Constitution is fundamentally distinct from that of an appellate jurisdiction. The power conferred upon the High Courts under Article 226 is primarily supervisory in nature, intended to ensure that statutory or quasi-judicial authorities act within the bounds of their jurisdiction, adhere to the principles of natural justice, and exercise their powers in a fair, reasonable, and lawful manner. It is not designed to enable the Court to reappreciate evidence, reassess factual findings, or substitute its own view for that of a competent authority merely because another view is possible.

25. The Court, while exercising its writ jurisdiction, does not sit as a court of appeal over the decision of an expert or specialized body. The judicial function in such cases is confined to examining whether the decision-making process was fair, rational, and in accordance with law, and not whether the conclusion reached by the authority is factually or technically correct. Where a decision has been rendered by a statutory expert body, such as in the present case, by the learned Lokpal after due consideration of the CVC's Preliminary Inquiry Report, this restraint assumes even greater significance. Judicial interference is warranted only in cases where the authority has acted without jurisdiction, committed a grave procedural irregularity, ignored the basic tenets of natural justice, or arrived at a conclusion that is manifestly arbitrary, perverse, or unsupported by any material on record.

26. Consequently, while exercising the power of judicial review under Article 226 of the Constitution, it would be neither prudent nor appropriate for this Court to delve into the merits of the allegations or undertake a fresh assessment of the factual matrix. Unless the matter before the Court raises issues of grave illegality, jurisdictional error, or palpable *mala fides* warranting judicial intervention, the Court must defer to the findings of the competent

statutory and expert authorities entrusted by law to inquire into such allegations of corruption and administrative misconduct.

27. A three-Judge Bench of the Hon'ble Supreme Court, in ***Vishal Tiwari (Adani Group Investigation) v. Union of India***[13], has comprehensively summarized the parameters governing the exercise of writ jurisdiction, particularly in cases where expert and technically equipped bodies are entrusted with specific statutory duties. Although the observations in that case were made in the context of the Securities and Exchange Board of India, the principles laid down are of general application and provide valuable guidance on the limits of judicial intervention in matters involving specialized authorities. The relevant portion of the said Judgment is reproduced below:

> "**17.** From the above exposition of law, the following principles emerge:
> (*a*) Courts do not and cannot act as appellate authorities examining the correctness, suitability, and appropriateness of a policy, nor are courts advisors to expert regulatory agencies on matters of policy which they are entitled to formulate;
> (*b*) The scope of judicial review, when examining a policy framed by a specialised regulator, is to scrutinise whether it : (*i*) violates the fundamental rights of the citizens; (*ii*) is contrary to the provisions of the Constitution; (*iii*) is opposed to a statutory provision; or (*iv*) is manifestly arbitrary. The legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review;
> (*c*) When technical questions arise — particularly in the domain of economic or financial matters — and experts in the field have expressed their views and such views are duly considered by the statutory regulator, the resultant policies or subordinate legislative framework ought not to be interfered with;
> (*d*) SEBI's wide powers, coupled with its expertise and robust information-gathering mechanism, lend a high level of credibility to its decisions as a regulatory, adjudicatory and prosecuting agency; and
> (*e*) This Court must be mindful of the public interest that guides the functioning of SEBI and refrains from substituting its own wisdom in place of the actions of SEBI.
> We have made a conscious effort to keep the above principles in mind while adjudicating the petitions, which contain several prayers that require the Court to enter SEBI's domain."

[13] (2024) 4 SCC 115

28. Recently, the Hon'ble Supreme Court once again reiterated the settled scope and ambit of the High Court's writ jurisdiction under Article 226 of the Constitution in ***Ajay Singh v. Khacheru***[14]. The Court, while emphasizing judicial restraint in matters involving factual determinations by competent authorities, clearly delineated the limited grounds on which interference under Article 226 may be justified. The relevant portion of the judgment reads as follows:

> "**16.** It is a well-established principle that the High Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot reappreciate the evidence and arrive at a finding of facts unless the authorities below had either exceeded its jurisdiction or acted perversely.
> **17.** On the said settled proposition of law, we must make reference to the judgment of this Court in ***Chandavarkar Sita Ratna Rao* v. *Ashalata S. Guram*** **[*Chandavarkar Sita Ratna Rao* v. *Ashalata S. Guram*, (1986) 4 SCC 447]**. The relevant portion thereof reads as under: (SCC p. 458, para 16)
>
> > "*16. … It is well settled that the High Court can set aside or ignore the findings of fact of an appropriate court if there was no evidence to justify such a conclusion and if no reasonable person could possibly have come to the conclusion which the courts below have come or in other words a finding which was perverse in law. This principle is well settled. In D.N. Banerji* v. *P.R. Mukherjee* [*D.N. Banerji* v. *P.R. Mukherjee*, (1952) 2 SCC 619] *it was laid down by this Court that unless there was any grave miscarriage of justice or flagrant violation of law calling for intervention it was not for the High Court under Articles 226 and 227 of the Constitution to interfere. If there is evidence on record on which a finding can be arrived at and if the court has not misdirected itself either on law or on fact, then in exercise of the power under Article 226 or Article 227 of the Constitution, the High Court should refrain from interfering with such findings made by the appropriate authorities*."
> >
> > (emphasis supplied)
>
> **18.** The abovesaid proposition of law was reiterated in ***Shamshad Ahmad* v. *Tilak Raj Bajaj*** **[*Shamshad Ahmad* v. *Tilak Raj Bajaj*, (2008) 9 SCC 1]**, wherein it was observed that: (SCC pp. 10-11, para 38)

[14] (2025) 3 SCC 266

> "*38*. Though powers of a High Court under Articles 226 and 227 are very wide and extensive over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction, such powers must be exercised within the limits of law. The power is supervisory in nature. The High Court does not act as a court of appeal or a court of error. It can neither review nor reappreciate, nor reweigh the evidence upon which determination of a subordinate court or inferior tribunal purports to be based or to correct errors of fact or even of law and to substitute its own decision for that of the inferior court or tribunal. The powers are required to be exercised most sparingly and only in appropriate cases in order to keep the subordinate courts and inferior tribunals within the limits of law."

19. Observations similar in nature were made in ***Krishnanand* v. *State of U.P.* [*Krishnanand* v. *State of U.P.*, (2015) 1 SCC 553: (2015) 1 SCC (Civ) 584]**, wherein it was held that: (SCC p. 557, para 12)

> "*12*. The High Court has committed an error in reversing the findings of fact arrived at by the authorities below in coming to the conclusion that there was a partition. No doubt, the High Court did so in exercise of its jurisdiction under Article 226 of the Constitution. *It is a settled law that such a jurisdiction cannot be exercised for reappreciating the evidence and arrival of findings of facts unless the authority which passed the impugned order does not have jurisdiction to render the finding or has acted in excess of its jurisdiction or the finding is patently perverse*."
>
> (emphasis supplied)

20. In our considered view, the High Court has committed an error of law and facts in setting aside the concurrent findings in both the impugned judgment and order **[*Khacheru* v. *State of U.P.*, 2013 SCC OnLine All 16168]** ' **[*Khacheru* v. *State of U.P.*, 2013 SCC OnLine All 16169]** . There was no basis for the High Court to ignore the findings of the authorities and come to its own conclusion by appreciating the evidence on record. The same was outside the purview of Article 226 of the Constitution of India in the absence of any perversity or illegality afflicting the findings of the authorities."

33. In line with the aforesaid principles, we now proceed to examine and scrutinize the facts and circumstances of the present case.

34. Upon a careful perusal of the record, we find that the controversy pivots around the compliance of the procedural safeguards envisaged under Section 20(3) of the Lokpal Act. The chronology of events, as emerging from the record, is not in dispute. Pursuant to the complaint being registered as Complaint No. 190/2024, the learned Lokpal, by its Order dated 15.01.2025, directed the issuance of show cause notices to five identified Respondent Public Servants (RPS-1 to RPS-5) and afforded them an opportunity of hearing under Section 20(3) of the Lokpal Act. Subsequently, upon consideration of the Preliminary Inquiry Report submitted by the CBI, along with the comments of the Competent Authority and submissions of Public Servants (RPS-1 to RPS-5), the learned Lokpal passed the Impugned Order dated 21.02.2025, directing a detailed investigation under Section 20(3) of the Lokpal Act.

35. It is a matter of record that the Petitioner was named in the complaint dated 06.09.2024 filed before the learned Lokpal; however, no notice was issued to him prior to the passing of the Order dated 21.02.2025. It is further an admitted fact that, unlike the other RPSs, the Petitioner was not afforded any opportunity either to file a response or to be heard at the stage of consideration under Section 20(3) of the Lokpal Act. The Petitioner was brought within the ambit of the proceedings only after the CBI registered the FIR pursuant to the said Order and arraigned him as RPS-6. Thereafter, *vide* notice dated 25.09.2025, the Petitioner was called upon to furnish his

comments under Section 20(7) of the Lokpal Act in response to the Investigation Report dated 09.09.2025.

36. It is, therefore, evident that the Petitioner was not a participant in the proceedings at the stage contemplated under Section 20(3) of the Lokpal Act. The Petitioner has consistently asserted that the denial of an opportunity of hearing prior to the initiation of the investigation constitutes a fatal infirmity which vitiates the entire proceedings.

37. The statutory framework of Section 20 leaves no room for doubt that the requirement of affording an opportunity of hearing at the pre-investigation stage as well as at the post-investigation stage is mandatory. Section 20(3) explicitly provides that the learned Lokpal "shall", after giving an opportunity of being heard to the concerned public servant, decide whether a *prima facie* case exists and thereafter proceed to direct an investigation.

38. The legislative intent in this regard is further evident from the structure of Section 20 itself. Even at the stage of Section 20(1), where the Lokpal decides to direct an investigation, as distinguished from ordering a preliminary inquiry under Section 20(1)(a), the third proviso thereof mandates that before such investigation is ordered, the Lokpal "shall" call for the explanation of the public servant so as to determine whether a *prima facie* case for investigation exists.

39. A similar mandate is contained in Section 20(7), which operates at the post-investigation stage. Therefore, the legislative scheme under Section 20 makes it abundantly clear that compliance with the requirement of affording an opportunity to the public servant is not optional but mandatory at the pre-investigation stage as well as the post-investigation stage. The relevant portions of Section 20 are

reproduced below for ready reference:

> "**20**. ***Provisions relating to complaints and preliminary inquiry and investigation.—***
> **(1)** The Lokpal on receipt of a complaint, if it decides to proceed further, may order-
> (a) preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a *prima facie* case for proceeding in the matter; or
> (b) investigation by any agency (including the Delhi Special Police Establishment) when there exists a *prima facie* case:
>
> Provided that the Lokpal shall if it has decided to proceed with the preliminary inquiry, by a general or special order, refer the complaints or a category of complaints or a complaint received by it in respect of public servants belonging to Group A or Group B or Group C or Group D to the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003 (45 of 2003):
>
> Provided further that the Central Vigilance Commission in respect of complaints referred to it under the first proviso, after making preliminary inquiry in respect of public servants belonging to Group A and Group B, shall submit its report to the Lokpal in accordance with the provisions contained in sub-sections (2) and (4) and in case of public servants belonging to Group C and Group D, the Commission shall proceed in accordance with the provisions of the Central Vigilance Commission Act, 2003 (45 of 2003):
>
> Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a *prima facie* case for investigation:
>
> Provided also that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency (including the Delhi Special Police Establishment) under this Act.
> **(2)** During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency (including the Delhi Special Police Establishment) shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and the competent authority and after obtaining the comments of the concerned public servant and the competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokpal.
> **(3)** A bench consisting of not less than three Members of the Lokpal shall consider every report received under sub-section (2) from the Inquiry Wing or any agency (including the Delhi Special Police Establishment), and after giving an opportunity of being

heard to the public servant, decide whether there exists a *prima facie* case, and proceed with one or more of the following actions, namely:—

(a) investigation by any agency or the Delhi Special Police Establishment, as the case may be;

(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;

(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46.

(4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(5) In case the Lokpal decides to proceed to investigate into the complaint, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokpal may extend the said period by a further period not exceeding of six months at a time for the reasons to be recorded in writing.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973 (2 of 1974), any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Lokpal, submit the investigation report under that section to the court having jurisdiction and forward a copy thereof to the Lokpal.

(7) A bench consisting of not less than three Members of the Lokpal shall consider every report received by it under sub-section (6) from any agency (including the Delhi Special Police Establishment) and after obtaining the comments of the competent authority and the public servant may—

(a) grant sanction to its Prosecution Wing or investigating agency to file charge-sheet or direct the closure of report before the Special Court against the public servant;

(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servant.

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….."

40. It is a well-settled principle of law that when a statute prescribes that a particular act must be done in a particular manner, it must be done in that manner or not at all. This principle was first enunciated in

Taylor v. Taylor[15]. The said principle was subsequently affirmed by the Privy Council in ***Nazir Ahmad v. Emperor***[16], and has since been consistently reiterated by the Hon'ble Supreme Court in numerous decisions, including ***Deewan Singh v. Rajendra Pd. Ardevi***[17] and ***M.P. Wakf Board v. Subhan Shah***[18], thereby making it a well-established doctrine in Indian legal jurisprudence. The Hon'ble Supreme Court, in ***Dhanajaya Reddy v. State of Karnataka***[19], observed on this doctrine in the following terms:

> "**26.** Relying upon ***Nazir Ahmad case*** **[AIR 1936 PC 253 (2)]** and applying the principles laid down in ***Taylor* v. *Taylor*** **[(1876) 1 Ch D 426]** this Court in ***Singhara Singh case*** **[AIR 1964 SC 358]** held: (AIR p. 361, para 8)
>
> > "*8.* The rule adopted in ***Taylor* v. *Taylor*** **[(1876) 1 Ch D 426]** is well recognised and is founded on sound principle. Its result is that if a statute has conferred a power to do an act and has laid down the method in which that power has to be exercised, it necessarily prohibits the doing of the act in any other manner than that which has been prescribed. The principle behind the rule is that if this were not so, the statutory provision might as well not have been enacted. A Magistrate, therefore, cannot in the course of investigation record a confession except in the manner laid down in Section 164. The power to record the confession had obviously been given so that the confession might be proved by the record of it made in the manner laid down. If proof of the confession by other means was permissible, the whole provision of Section 164 including the safeguards contained in it for the protection of accused persons would be rendered nugatory. The section, therefore, by conferring on Magistrates the power to record statements or confessions, by necessary implication, prohibited a Magistrate from giving oral evidence of the statements or confessions made to him.""
>
> (***emphasis supplied***)

41. Further, a Constitution Bench of the Hon'ble Supreme Court in

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[15] (1876) 1 Ch D 426
[16] 1936 SCC OnLine PC 41
[17] (2007) 10 SCC 528
[18] (2006) 10 SCC 696
[19] (2001) 4 SCC 9

Public Interest Foundation v. Union of India[20], reaffirmed this principle while referring to its earlier precedents. The Court observed as under:

> "**99.** In ***D.R. Venkatachalam* v. *Transport Commr.*, (1977) 2 SCC 273**, it was observed: (SCC p. 282, para 17)
>
> > "***17.*** In ultimate analysis, the rule of construction relied upon by Mr Chitale to make the last mentioned submission is: '*Expressio unius est exclusio alterius.*' This maxim, which has been described as 'a valuable servant but a dangerous master' (per Lopes, J., in Court of Appeal in ***Colquhoun* v. *Brooks*, (1888) LR 21 QBD 52 (CA)**) finds expression also in a rule, formulated **in *Taylor* v. *Taylor*, (1875) LR 1 Ch D 426**, (Ch D p. 430) applied by the Privy Council in ***Nazir Ahmad* v. *King Emperor*, 1936 SCC OnLine PC 41**, which has been repeatedly adopted by this Court. That rule says that an expressly laid down mode of doing something necessarily implies a prohibition of doing it in any other way."
>
> **100.** Similarly, in ***State* v. *Sanjeev Nanda*, (2012) 8 SCC 450**, this Court observed thus: (SCC p. 468, para 28)
>
> > "***28.*** It is a settled principle of law that if something is required to be done in a particular manner, then that has to be done only in that way or not, at all. In ***Nazir Ahmad* v. *King Emperor*, 1936 SCC OnLine PC 41**, it has been held as follows: (SCC OnLine PC)
> >
> > > "… The rule which applies is a different and not less well recognised rule—namely, that where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all."
>
> **101.** Another judgment where this principle has been reiterated is ***Rashmi Rekha Thatoi* v. *State of Orissa*, (2012) 5 SCC 690** wherein it was observed thus: (SCC p. 703, para 37)
>
> > "***37.*** In this regard it is to be borne in mind that a court of law has to act within the statutory command and not deviate from it. It is a well-settled proposition of law what cannot be done directly, cannot be done indirectly. While exercising a statutory power a court is bound to act within the four corners thereof. The statutory exercise of power stands on a different footing than exercise of power of judicial review.""

[20] (2019) 3 SCC 224

42. The language employed in Section 20(3) of the Lokpal Act is peremptory and admits of no discretion. The legislative intent is that the *prima facie* satisfaction necessary for directing an investigation under the Act must be reached only after considering the explanation of the concerned public servant. Omission of this step, especially when it results in the registration of an FIR and the initiation of a criminal investigation, constitutes a violation of the statutory mandate and of the Principles of Natural Justice.

43. The contention advanced by the learned counsel for the Respondent that the Petitioner's subsequent participation in the proceedings, by filing a written representation dated 07.10.2025 in response to the notice issued under Section 20(7) of the Lokpal Act, operates to cure the earlier procedural defect, is wholly untenable.

44. Once the statutory opportunity of hearing contemplated under Section 20(3) is denied, subsequent participation at the post-investigation stage under Section 20(7) cannot retrospectively validate an order passed without fulfilling the mandatory precondition of hearing. Where the statute expressly requires that before directing an investigation, the Lokpal must call for and consider the explanation of the public servant, any omission in that regard renders the entire subsequent process unsustainable in law.

45. Neither can it be said that the fulfilment of the requirement under Section 20(7) would also satisfy the requirement of Section 20(3) as these are independent and individual requirements mandated under the law. These operate at different stages of the entire process under Section 20 of the Lokpal Act and one cannot substitute the other.

46. The Lokpal, being a quasi-judicial authority vested with powers that carry penal and stigmatic consequences, is duty-bound to act in strict conformity with the procedure prescribed by law. It must ensure that its process remains fair, transparent, and consistent with the principles of natural justice. Failure to adhere to these safeguards, particularly when the outcome entails serious civil and criminal consequences, strikes at the very root of administrative fairness and justice.

47. We also take note of the various provisions of the Lokpal Act, particularly those pertaining to the liability of a public servant who is under investigation by the Lokpal. Under several provisions of the Act, *for instance*, Sections 29 and 32, a public servant may be transferred, suspended, or even subjected to attachment of assets. Having regard to these stringent and penal consequences that may ensue merely upon being named in a complaint, we are of the considered view that there exists an absolute and unqualified necessity for a strict adherence to the procedural and substantive safeguards prescribed under the Statute.

CONCLUSION:

48. In view of the foregoing discussion and upon a careful examination of the material placed on record, we are of the considered opinion that the Impugned Orders dated 21.02.2025 and 23.09.2025, to the extent they pertain to the Petitioner, stand vitiated for non-compliance with the mandatory requirement of Section 20(3) of the Lokpal Act.

49. Accordingly, the present Writ Petition is allowed, and the Impugned Orders, insofar as they relate to the Petitioner, are quashed

and set aside.

50. It is, however, made clear that the learned Lokpal shall be at liberty, if it so chooses, to initiate proceedings afresh against the Petitioner in accordance with law, strictly adhering to the procedure prescribed under Section 20 of the Lokpal Act.

51. The present application, along with pending application(s), if any, is disposed of in the above terms.

52. No Order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 14, 2025/rk/sm/kr