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W.P.No.24726 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.24726 of 2026  
and W.M.P.No.26951 of 2026

V.Jeevakumar  
No.1, First Street,  
Thiruvalluvar Nagar, N.K.Road  
Thanjavur.

Petitioner(s)

Vs

1. The Secretary to the Government  
Human Resources Management  
Department, Secretariat,  
Government of TamilNadu  
Chennai – 600 009.
2. The Secretary to the Government  
Home Department, Secretariat,  
Government of TamilNadu  
Chennai – 600 009.
3. The Secretary to the Government  
Public Department, Secretariat,  
Government of TamilNadu  
Chennai – 600 009.

Respondent(s)



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**PRAYER:** Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to quash G.O.Ms.No.84 of 2020 as ultra vires and consequently direct the 1st to 3rd respondents, to take effective steps towards the implementation of the Tamilnadu Lokayukta Act, 2018 and the Rules and Regulations made thereunder, in letter and spirit and to take appropriate action as required.

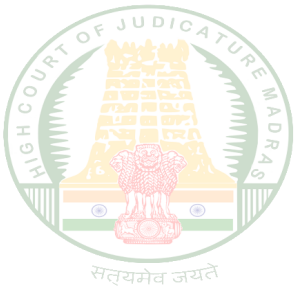
For Petitioner(s): Mr.M.Velmurugan

For Respondent(s): Mr.S.Arjun Suresh  
Additional Advocate General  
assisted by Mr.L.Gokulraj  
Addl Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This Public Interest Litigation has been filed by a practising advocate seeking a writ of certiorarified mandamus to call for the records and quash Government Order in G.O.Ms.No.84, Personnel and Administrative Reforms (N.Spl.) Department, dated 21.7.2020. Consequentially, the petitioner seeks directions to the State of Tamil Nadu to strictly implement the provisions of the Tamil Nadu Lokayukta Act, 2018 (Act 33 of 2018) and the statutory rules and regulations framed thereunder.



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2. The core factual matrix of the case centers on the statutory architecture governing the Tamil Nadu Lokayukta. The Parliament enacted the Lokpal and Lokayuktas Act, 2013 (Central Act 1 of 2014), wherein Section 63 mandated every State Legislature to establish an independent anti-corruption body within one year. Pursuant to this mandate, the Tamil Nadu Legislative Assembly enacted the Tamil Nadu Lokayukta Act, 2018, which came into force on 13.11.2018. Simultaneously, the State Government framed the Tamil Nadu Lokayukta Rules, 2018 under Section 44 of the Act. The Lokayukta officially commenced its operational mandate on 21.4.2019.

3. On 21.7.2020, the State Government issued the impugned Government Order in G.O.Ms.No.84, amending Schedule-II of Rule 18 of the Tamil Nadu Lokayukta Rules, 2018. The amendment substituted the method of recruitment for the post of "Secretary" and "Registrar" of the Lokayukta. Specifically, for the post of "Secretary", it enabled appointment either by transfer from Secretariat officers holding the rank of Additional Secretary, Joint Secretary, or Deputy Secretary, or by deputation/ re-employment/



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contract of a serving or retired District Judge from the Tamil Nadu State Judicial Service.

4. Learned counsel appearing for the petitioner vehemently contended that G.O.Ms.No.84 is ultra vires Section 9(1) of the parent Act. It was submitted that Section 9(1) of the Act prescribes that the Secretary shall be an officer "*not below the rank of Deputy Secretary to Government*", which according to the petitioner, restricts the eligibility exclusively to executive administrative officers from the Secretariat services. He argued that by expanding the eligibility pool to include serving and retired District Judges, the executive exceeded its delegated rule-making power under Section 44 of the Act.

5. Per contra, learned Additional Advocate General appearing for the respondents, submitted that Section 9(1) of the Act prescribes only the minimum threshold of rank and status, viz., "*not below the rank of Deputy Secretary*". District Judges indisputably hold a rank, status and judicial pedigree superior not below the rank of the Deputy Secretary to the Government. He submitted that



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given the quasi-judicial nature of the duties of Lokayukta, including conducting court litigation, briefing law officers, interacting with police investigative wings, and managing judicial registries, judicial background is highly beneficial. Furthermore, he raised a preliminary objection regarding severe delay and laches, pointing out that the impugned government order was issued in July 2020, whereas the writ petition was filed six years later in June 2026 without any plausible explanation.

6. We have given our thoughtful consideration to the rival submissions advanced by counsel on both sides and examined the materials placed on record, including the statutory provisions.

7. At the outset, we must address the preliminary objection of delay and laches. The impugned Government Order was promulgated and published in the Tamil Nadu Government Gazette as early as July 2020. The petitioner has approached this Court after an unexplained lapse of six years. It is a well-settled principle of administrative law that even in Public Interest Litigation, an unexplained and prolonged delay in challenging delegated



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legislation or statutory appointments disentitles a petitioner from discretionary relief under Article 226 of the Constitution of India.

8. Sections 9 and 44 of the Tamil Nadu Lokayukta Act, 2018 reads as under:

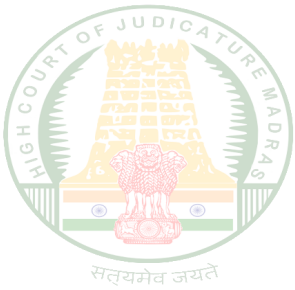
*"9. Secretary, other officers and staff of Lokayukta.*

***(1) There shall be a Secretary to the Lokayukta not below the rank of Deputy Secretary to Government, who shall be appointed by the Chairperson from a panel of names sent by the Government.***

*(2) There shall be a Director of Inquiry not below the rank of Deputy Secretary to Government, who shall be appointed by the Chairperson from a panel of names sent by the Government.*

*(3) The appointment of officers and staff of the Lokayukta shall be made as may be required for smooth functioning, by the Government and as may be prescribed.*

***(4) The conditions of service of Secretary and other officers and staff of the Lokayukta shall be such as may be prescribed from time to time."***



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"44. Power to make rules.

(1) **The Government may, by notification, make rules to carry out the provisions of this Act.**

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

—

(a) the form of complaint referred to in clause (d) of sub-section (1) of section 2;

(b) term of Search Committee, fees and allowances payable to its Members and the manner of selection of panel of names under sub-section (5) of section 4;

(c) appointment in respect of any post or posts under the proviso to sub-section (3) of section 9;

**(d) conditions of service of Secretary and other officers and staff of the Lokayukta under sub-section (4) of section 9;**

(e) other matters for which the Lokayukta shall have the powers of a Civil Court under clause (f) of sub-section (1) of section 24."

*[emphasis supplied]*

9. Section 9(1) of the Tamil Nadu Lokayukta Act, 2018 states that there shall be a Secretary "*not below the rank of Deputy Secretary to Government*". The statutory phrasing "*not below the rank of*" sets a floor, not a ceiling. It prescribes a minimum baseline



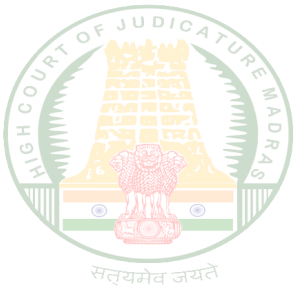
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of official seniority and status. It does not create an absolute bar against appointing judicial officers who satisfy or exceed that requisite rank. District Judges in the State Judicial Service indisputably hold a cadre and status well above or equivalent to a Deputy Secretary to the Government. Delegated rule-making under Section 44(2)(d) of the Act explicitly empowers the State Government to frame rules regarding the conditions of service and appointment modes. Thus, allowing District Judges to serve as Secretary on deputation or contract is entirely consistent with the scheme of the parent Act.

10. In conclusion, the impugned G.O.Ms.No.84 of 2020 is valid and within the statutory competence of the State Government. The petitioner has failed to establish any violation of statutory provisions or constitutional guarantees under Articles 14 and 19 of the Constitution of India.

11. For the aforegiven reasons, the writ petition stands dismissed.





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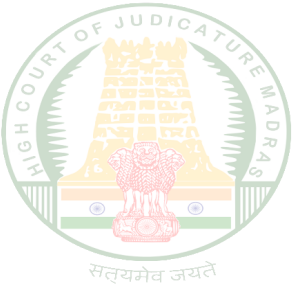
There shall be no order as to costs. Connected miscellaneous petition also stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)  
02.09.2026

Index : Yes/No  
Neutral Citation : Yes/No  
sasi

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THE HON'BLE CHIEF JUSTICE  
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