

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 1886/2026

Yogesh Acharya S/o Sh. Purshotam Das Acharya, Aged About 53 Years, Flat No. 202, Mannat Ambesy, Ashok Nagar, Pal Link Road, Jodhpur, Raj At Present Posted As Assistant Administrative Officer, Nagar Palika Sanchoe, Jalore, Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Local Self Govt, Govt of Raj, Jaipur.
2. Director General Of Police, Anti Corruption Dept., Jaipur, Raj.
3. Dy. Inspector General Of Police, 1st, Anti Corruption Bureau, Jaipur, Raj.

----Respondents

For Petitioner(s)	:	Mr. Naman Mohnot
For Respondent(s)	:	Mr. N.S. Chandawat, PP

HON'BLE MS. JUSTICE REKHA BORANA

Order

05/05/2026

1. Counsel for the petitioner submits that prosecution sanction dated 15.04.2025 (Annex.3) in question has been granted by the Director of Local Self Department whereas as per Section 17-A (c) of the Prevention of Corruption Act, 1988, it is the authority competent to remove him, who could accord the said sanction. He submits that as per Section 335 (4) of the Rajasthan Municipalities Act, 2009, it is the appointing authority only who can pass order of dismissal/removal.

2. So far as the appointing authority is concerned, it is admittedly the Municipal Board and hence, the sanction accorded is by an incompetent authority.
3. Counsel further submits that even otherwise, prosecution sanction order dated 15.04.2025 does not reflect any application of mind/reason which is a mandate as per law.
4. In view of the submissions made, Issue notice.
5. Learned Public Prosecutor accepts notices for respondent Nos. 2 and 3.
6. Let notices be issued to respondent No.1 only.
7. Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the petitioner for service through registered post acknowledgement due.
8. Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices. Notices be made returnable within a period of four weeks.
9. Meanwhile, the effect and operation of order dated 15.04.2025 (Annex.3) shall remain stayed.

(REKHA BORANA),J