

Court No. - 20

Case :- WRIT - A No. - 7527 of 2023

Petitioner :- Smt. Gayatri Devi

Respondent :- State Of U.P. Thru. Its Prin. Secy. Child Development Services And Nutrition Lko. And 4 Others

Counsel for Petitioner :- Swati Mishra,Rama Kant Dixit

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed challenging order dated 08.09.2023 whereby contract service of petitioner on the post Aanganbari Karyakatri has been terminated on the ground that she had submitted false and fabricated mark-sheets from school where she is claiming education.
3. It has been submitted that a bare perusal of impugned order will make it evident that same has been in a cursory manner without application of mind and without affording reasonable opportunity of hearing to petitioner only on the basis of some inquiry report dated 06.12.2022. It is further submitted that it has been clearly stated in paragraph 3 of the writ petition that no copy of verification report dated 06.12.2022 and the alleged inquiry report dated 22.07.2023 was ever supplied to petitioner. It is therefore submitted that the order impugned is clearly ex parte in nature.
4. Learned State counsel on the basis of instructions however submits that prior to passing of impugned order, show cause notice was issued to petitioner and to which he also submitted a reply which has been duly considered in the impugned order and therefore it cannot be said that the order has been passed ex parte.
5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, particularly impugned order dated 08.09.2023, it is evident that the impugned order is based on the verification report dated 06.12.2022 and an inquiry report dated 22.07.2023. It is the specific case of petitioner that he was never supplied a copy of the aforesaid documents. The impugned order also does not make it evident that any such document was ever supplied to petitioner prior to passing of impugned order. Even the reply submitted by petitioner has been cursorily dealt with merely

indicating that it was not found to be satisfactory without recording any reason as to why the reply submitted by petitioner was found to be unsatisfactory. Clearly the order impugned has been passed in a very cursory manner without affording proper opportunity of hearing to petitioner and without providing relevant documents to him on which reliance has been placed while passing the impugned order.

6. Considering the aforesaid facts, the impugned order dated 08.09.2023 clearly being vitiated is quashed by issuance of a writ in the nature of certiorari granting liberty to opposite parties to pass fresh orders by affording opportunity of hearing to petitioner and considering his reply. Copies of report dated 06.12.2022 and 22.07.2023 shall also be supplied to petitioner prior to passing of any order adverse to petitioner. The aforesaid proceedings shall be concluded within a period of two months from the date certified copy of this order is produced before concerned authority. For the purposes of such inquiry, petitioner shall be reinstated in service and paid her emoluments including arrears. Further continuance in service of petitioner shall be subject to final orders passed in inquiry proceedings.

7. With the aforesaid direction, petition is **allowed**. Parties to bear their own costs.

Order Date :- 11.10.2023

Subodh/-