

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 9594 of 2004

ORDER :

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking to quash the proceedings No.13044/A6/2004-2, dated 04.05.2004, issued by the District Educational Officer, Nalgonda, 2nd respondent herein, terminating the petitioner from the post of Correspondent of Neelagiri Upper Primary School, Nalgonda.

The brief facts of the case are that the petitioner, who was originally appointed as Head-Master of Neelagiri Upper Primary School, Nalgonda, was appointed as Correspondent of the said school by the Commissioner and Director of School Education, Hyderabad, 1st respondent herein, being the competent authority, vide Rc.No.1740/B3-4/2002, dated 20.11.2002, in place of the previous incumbent, namely, K. Rajani, 3rd respondent herein. Thereafter, basing on a complaint, dated 05.11.2003, of the 3rd respondent, the 2nd respondent issued a show cause notice in Proc.No.13044/A6/2004, dated 12.01.2004, calling upon the petitioner to explain as to why he should not be removed from the post of Correspondent on the ground that the signatures on the resolution of the Managing Committee of the Educational Society submitted by him were not tallying with the earlier signatures on the other resolution. The petitioner submitted his explanation to the show cause notice on 24.02.2004 and sought for an enquiry. On the basis of a report of the Deputy

Educational Officer, Nalgonda, and as per the directions of the 1st respondent, the 2nd respondent issued proceedings No.13044/A6/2004-2, dated 04.05.2004, removing the petitioner from the post of Correspondent of Neelagiri Upper Primary School, Nalgonda. Questioning the said proceedings, the present writ petition is filed.

Heard both sides.

The contention of the petitioner is that he was appointed by the competent authority, namely, the 1st respondent, after following the rules and regulations, and without conducting any proper enquiry and without taking into consideration his explanation to the show cause notice, the 2nd respondent, who is not even competent authority, issued the impugned orders and, therefore, the same cannot be sustained.

As the rule position is very clear on this aspect, it is only the 1st respondent who is competent authority in so far as appointment of Correspondent of an Upper Primary School is concerned. Therefore, even though the appointment of the petitioner as Correspondent of the school was made by the 1st respondent, it is the 2nd respondent who has removed the petitioner from the post of Correspondent of the school, even that is done without any notice to the petitioner. As stated above, on the basis of a complaint said to have been made by the 3rd respondent, who is none other than the sister of the petitioner and who was involved in a criminal case, a preliminary enquiry was taken and the petitioner was removed

from the post of Correspondent of the school. Therefore, the impugned proceedings cannot be sustained and they are liable to be quashed.

Accordingly, the Writ Petition is allowed and the proceedings No.13044/A6/2004-2, dated 04.05.2004, issued by the 2nd respondent are quashed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

M.S.K.JAISWAL,J

10th December, 2015
cbs

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