

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

WRIT PETITION No. 26455 OF 2015

ORDER: (Per the Hon'ble Sri Justice G. Chandraiah)

The Chief Executive Officer, Zilla Parishad, Visakhapatnam, filed this writ petition to call for the records pertaining to O.A.No.8801 of 2011 and quash the same.

The petitioner herein is the first respondent in the O.A. The first respondent herein filed the O.A challenging the proceedings dated 15.06.2011 vide Rc.No.18/2011 issued by the Mandal Educational Officer, Mandal Parishad, S. Rayavaram, Visakhapatnam, cancelling her service, without issuing any notice, on the ground that the appointment, Regularisation and declaration of probation are irregular, after completion of 27 years of regular service.

The case of the first respondent - applicant was that after the death of her husband, she was appointed as Conductress in the Elementary School, on 11.10.1984 and she worked all these years. Her services were regularised, probation was declared vide proceedings dated 21.04.1999 and necessary entries were made in the service register. The respondents did not mention in the appointment order that she was appointed on compassionate ground. While so, the Mandal Educational Officer, Mandal Parishad, S. Rayavaram, issued the proceedings dated 15.06.2011 cancelling the service of the applicant. Questioning the same, the applicant filed the O.A.

The Tribunal, on 06.11.2011, while admitting the O.A., suspended the proceedings in Rc.No.18/2011 dated 15.06.2011 for a period of two weeks and directed the respondents to continue the applicant in the same school. Ultimately, after hearing the parties, and considering the averments in the counter, the Tribunal, by order dated 12.04.2013, set aside the proceedings in Rc.No.18/2011 dated

15.06.2011 and directed the respondents to release the benefits as per rules. Aggrieved by the same, the first respondent in the O.A filed this writ petition.

Today, when the matter is taken up for hearing, learned counsel for both the parties submitted that the relief sought for in this writ petition is squarely covered by the decision of this Court in W.P.No.18735 of 2010, dated 17.10.2010.

Following the said order and for the reasons mentioned therein, this writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall also stand dismissed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

Date: 08.12.2015

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WRIT PETITION No. 26455 OF 2015
(order of the Bench delivered by GC,J)

Date: 08.12.2015

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