

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 13794 OF 2015

ORDER:

The petitioner, who is employed as a Trained Graduate Teacher (TGT) with the Andhra Pradesh Social Welfare Residential Educational Institutions Society, the 2nd respondent herein, challenges the orders passed by its Secretary on 12.02.2014 calling for a re-inquiry into the charges framed against him on 30.04.2013.

On 30.04.2013, the 2nd respondent society has drawn a charge-sheet against the petitioner. The Article of charge drawn against him reads as under:

“ That, Sri Nooka Syamala Rao, TGT(Tel), APSWRS(B), Palakonda, Srikakulam District was arrested by the Police, Amadalavalasa under Section 498-A and 325 of I.P.C. based on the complaint given by his wife Smt. Yatirajula Vanajakshi at S.H.O., Amadalavalasa. He was under judicial remand from 23.01.2013 to 28.01.2013 and subsequently he was released on bail on 30.01.2013 from the District Jail, Srikakulam, which act of the Charged Officer entails disciplinary action under Rule 8(2) of A.P.C.S. (CCA) Rules, 1991 and violated Conduct Rule 2 of APSWREIS, Hyderabad. Hence the charge.”

It appears, the Zonal Officer concerned was appointed as an Inquiry Officer to conduct the inquiry and the Zonal Officer, after conducting inquiry, appears to have submitted his report setting out that the charge is not held proved against the petitioner. The 2nd respondent Society is surprised by the findings recorded by the Inquiry Officer, inasmuch as the Superintendent of the District Jail at Srikakulam has made available information that the petitioner herein was admitted in prison on 24.01.2014 in connection with Crime No. 17 of 2013 of Amadalavalasa Police Station and that he was released on bail on 30.01.2013, pursuant to an order passed by the Court. It is therefore, clear that the petitioner was in the District Prison, Srikakulam between 24.01.2013 and 30.01.2013. In the above circumstances, the 2nd respondent society through the impugned order, directed a re-inquiry to be conducted in the matter.

Learned counsel for the petitioner would urge that the question of conducting a *de novo* inquiry would not arise and the 2nd respondent society has committed a

gross irregularity in ordering for a *de novo* inquiry into the matter. I am not in a position to agree with the contention canvassed by the learned counsel for the petitioner. The 2nd respondent society has not called for any *de novo* inquiry. When once the society found contradictions in the findings recorded by the inquiry officer, it called for a re-inquiry of the matter, so that the petitioner will have a fair and reasonable opportunity to bring-forth whatever additional material he has in his support with regard to the contradictions noticed by the society.

I therefore, do not find any justification to entertain this Writ Petition as it lacks merit and hence, it is dismissed, but however without costs. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

01st May 2015

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