

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.31266 OF 2015

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings in Rc.No.933/A2/2014, dated 16.05.2015 and the consequential proceedings in Rc.No.04/CDPO/2014, dated 30.05.2015 issued by the 3rd respondent and further action of the 4th respondent in issuing the notification No.5/J.A./2015, dated 03.09.2015 as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the same directing the respondents to continue the petitioner in service as Anganwadi Worker.

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Women Development and Child Welfare (A.P.) for the respondents.

3. Perusal of the impugned order obviously indicates that it is passed without following the procedure for conducting enquiry against the petitioner as contemplated under the rules. It appears from the impugned order that the Tahsildar conducted enquiry and submitted a report to the Committee and the Committee authorised the Project Director to remove the petitioner. Accordingly, the petitioner was removed by the Project Director. The aforementioned procedure is not contemplated under the rules governing the service conditions of the petitioner.

4. For the reasons aforementioned, the impugned order is set aside. The respondents are directed to reinstate the petitioner into service and continue her in the said post. However, this order does not preclude the appropriate authority to conduct enquiry according to the rules and pass appropriate orders.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date:29.09.2015
ccm

R.KANTHA RAO, J

THE HON’BLE SRI JUSTICE R.KANTHA RAO

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