

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 6588 OF 2015

ORDER:

The petitioner was appointed as a Field Assistant under the Mahatma Gandhi National Rural Employment Guarantee Scheme at Talavaram Gram Panchayat of Veeragattam Mandal, Srikakulam District. Unfortunately, without noticing that she cannot pursue higher education simultaneously, the petitioner appears to have prosecuted her B.Ed. course between 10.12.2007 and 13.10.2008 from one of the Colleges of Education at Palakonda in Srikakulam District. After so many years have passed by, one Sri Tamarapu Satyam Naidu has lodged a complaint that the petitioner has prosecuted B.Ed. course between December 2007 and October 2008 while functioning as a Field Assistant. Based on that complaint, a preliminary enquiry was ordered and she attended the preliminary enquiry on 08.07.2014 and candidly enough she admitted that she prosecuted her B.Ed. course not knowing that while functioning as a Field Assistant, she cannot also simultaneously prosecute her B.Ed. course. Excepting this particular allegation, which is trumped up by a jealous element more than six years after she has completed her B.Ed. course, there are no allegations against the petitioner made that either she has neglected to perform her duties properly or due to lack of supervision on her part, quality of work has suffered or it has resulted in any of the irregularities, such as payment of excess remuneration or not providing adequate man days for the willing employees or failure to execute in time various works, which have been identified, etcetera. Therefore, the order passed on 31.07.2014 suspending the writ petitioner does not appear to be *prima facie* a proper approach. The petitioner has merely prosecuted higher education. If she has genuinely noticed that she cannot simultaneously pursue higher education, perhaps, she would not have functioned as a Technical Assistant at all. For having prosecuted studies, without in any manner allowing the work to suffer,

the petitioner cannot be justifiably penalized. I am therefore, of the opinion that the order placing the writ petitioner under suspension is wholly arbitrary and unsustainable.

Therefore, the order passed on 31.07.2014 placing the petitioner under suspension is directed to be recalled and the petitioner shall be entertained to duty as expeditiously as is possible within 15 days time at least.

Since Sri M.S.R. Chandra Murthy, learned Standing Counsel, who has accepted notice on behalf of the 3rd respondent, has secured detailed instructions and made his submissions trying to justify the impugned order, no useful purpose, perhaps, would be served by admitting this case and confining it to the docket of this Court.

Hence, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

18th March 2015

Issue CC in a week.
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