

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.25113 of 2009

ORDER:

The petitioner challenges the proceedings No.A/178/2008 dated 06.11.2009.

2. The third respondent through the impugned proceedings terminated the services of the petitioner as Anganwadi Helper.

The reason for termination, it is alleged, is that the petitioner has produced fake transfer certificate.

3. The case of petitioner is that the third respondent did not give copy of the report of the Head Master, conducted enquiry much less afforded minimum opportunity to traverse the charge of fake transfer certificate alleged against her.

4. This Court, on 19.11.2009, granted interim suspension of the proceedings dated 06.11.2009. Respondents filed petition to vacate the interim order dated 19.11.2009.

5. Counter affidavit, no doubt, refers to the totality of circumstances, which compelled the third respondent to issue the proceedings impugned in the writ petition.

6. The primary objection of petitioner against the impugned proceedings is violation of principles of natural justice.

7. Learned Government Pleader appearing for the third respondent, having regard to the totality of circumstances, does not seriously dispute that reasonable opportunity was not afforded to the petitioner.

8. This Court is satisfied that the writ petition can be disposed of by this order.

9. The proceedings dated 06.11.2009 are set aside, matter remanded to the third respondent for consideration and disposal afresh. To avoid further delay and lapses in procedure, this Court directs the third respondent to furnish a copy of the report of the Head Master to petitioner within four (4) weeks from the date of receipt of a copy of this order. From the date of receipt of a copy of Head Master's report, petitioner is given two (2) weeks to submit her explanation. The third respondent by considering the explanation and the material available on record, within a further period of four (4) weeks disposes of the case pending in File No.A/178/2008. The parties are directed to maintain status quo, as on date, for a period of ten (10) week from today.

The writ petition is allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S.V. BHATT, J

June 24, 2016
DSK