

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.5909 of 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order of termination passed by the Mandal Parishad Development Officer, Mandal Parishad, Rappadu Mandal, Anantapur District – 7th respondent herein vide proceedings Rc.No.36/B/2015, dated 14-12-2015.

According to the petitioner, he was appointed as Mandal Coordinator, Rappadu Mandal, Anantapur District by the 7th respondent vide proceedings No.605, dated 01-08-2010. The 7th respondent issued a show cause notice bearing Rc.No.36/2015, dated 26-10-2015 asking the petitioner to submit explanation on certain allegations indicated therein. Responding to the said show cause notice, the petitioner herein submitted an explanation on 29-10-2015 to the 7th respondent. Thereafter the 7th respondent by way of an order in Rc.No.36/B/2015, dated 14-12-2015 terminated the services of the petitioner herein. The said order of termination passed by the 7th respondent is under challenge in the present writ petition.

Heard Sri K. Narsi Reddy, learned counsel for the petitioner, learned Government Pleader for School Education for respondents 1, 2, 4 and 5 and Sri G. Seshadri, learned Standing Counsel for respondents 3, 6 and 7.

There is absolutely no dispute with regard to the fact that in

response to the show cause notice, dated 26-10-2015 issued by the 7th respondent the petitioner herein submitted an elaborate explanation touching various issues. A perusal of the order impugned in the present writ petition shows that except indicating the said explanation as one of the references in the impugned order the 7th respondent did not advert to the contents of the explanation submitted by the petitioner herein. This action on the part of the 7th respondent can neither be countenanced nor approved. Having asked the petitioner to submit explanation, there is absolutely no justification on the part of the 7th respondent herein to completely ignore the same. On this ground alone in the considered opinion of this Court the impugned order cannot be sustained.

For the aforesaid reasons, the writ petition is allowed, setting aside the order of termination passed by the 7th respondent vide Rc.No.36/B/2015, dated 14-12-2015 and the matter is remanded to the 7th respondent for passing appropriate orders afresh after considering the explanation submitted by the petitioner and after giving notice and opportunity of being heard to the petitioner herein.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

March 01, 2016

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