

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**W.P.No.22692 of 2016**

**ORDER:**

1. The petitioner applied to the post of Anganwadi Helper pursuant to a notification issued by the 2<sup>nd</sup> respondent. She attended the interview and was appointed as such in respect of Kethavaram-2 centre by proceedings of the Child Development Project Officer, Kurnool, dated 23.11.2015. She reported for duty on 24.11.2015. She states that the husband of one Boya Lakshmi Devi, who was appointed as Anganwadi Helper in respect of Kethavaram-1 centre, asked her to go and work in the said centre in order to give a way to his wife to work in Kethavaram-2 centre as the same is nearer to his house in the village. She agreed for the same, provided appropriate orders are passed by the authorities. Since no orders were passed, she continued in Kethavaram-2 centre. She further states that he prevailed upon the Deputy D.E.O., Kurnool, for preparing a fabricated report leading to the termination of her services. She further states that the 4<sup>th</sup> respondent herein, who is not an applicant, filed W.P.No.5540 of 2016 challenging the appointment of the petitioner. The said writ petition was disposed of directing the authorities to conduct an enquiry and in pursuance of the said enquiry, a report was submitted stating that the petitioner secured appointment on the basis of a fake document with regard to educational qualification. A show cause notice was issued to the petitioner on 28.05.2016 and she submitted her explanation to the

said show cause notice. Thereafter, the services of the petitioner were terminated on 24.06.2016 by the 3<sup>rd</sup> respondent. Challenging the same, the petitioner filed the present writ petition.

2. A counter-affidavit was filed by the 3<sup>rd</sup> respondent stating that the Deputy D.E.O. conducted an enquiry and basing on the report submitted by him, a show cause notice was issued asking the petitioner to submit an explanation. After considering the explanation, the order of termination was passed. The Deputy D.E.O., Kurnool, conducted the enquiry with the school authorities who issued the certificates and after receiving the show cause notice also, the petitioner did not produce any recorded proof in support of her educational qualification. After obtaining permission from the 2<sup>nd</sup> respondent, the order of termination was passed on 24.06.2016. The copies of documents examined during the course of enquiry are filed along with the counter-affidavit. In the explanation submitted to the show cause notice, she stated that the Deputy D.E.O. never issued any Memo asking her to produce any certificate much less the study certificate and transfer certificate. It is further stated that no enquiry was conducted and the show cause notice was issued on the basis of the enquiry report submitted by the said Deputy D.E.O. behind her back.

3. In view of the stand taken by the petitioner with regard to the enquiry conducted behind her back without issuing any appropriate notice to her to prove her case in support of the educational

qualification produced by her at the time of appointment, this Court feels that the matter has to be enquired by the 2<sup>nd</sup> respondent, who is alleged to have approved the termination of service of the petitioner.

4. In the circumstances, the impugned order of termination dated 24.06.2016 passed by the 3<sup>rd</sup> respondent is set aside and the matter is remanded to the 2<sup>nd</sup> respondent for giving an opportunity to the petitioner to submit her explanation in support of the allegation levelled against her more particularly with regard to the educational qualification and complete the enquiry and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of the order. Till the orders are passed by the 2<sup>nd</sup> respondent, the petitioner shall be continued in service.

5. The Writ Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**A.RAMALINGESWARA RAO, J**

21-09-2016

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