

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

WRIT PETITION No.6482 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the proceedings by the 4th respondent in proceedings No.151/A/2016 dated: 18.02.2016 terminating petitioner services as Anganwadi worker of Cherlagudipadu village, Gurajala mandal, Guntur District and to declare the same as unauthorized illegal, arbitrary, violative of principles of natural justice and disproportionate to the allegations leveled against me and without jurisdiction.”

Heard, Sri M. Jaya Ram Reddy, learned counsel for the petitioner and learned Government Pleader for Women Development and Child Welfare for respondents.

According to the petitioner, she was appointed as Anganwadi Worker of Cherlagudipadu Anganwadi Centre vide proceedings No.1064/NRT-A3/2011, dated 14-03-2013 issued by the 4th respondent herein. The 4th respondent herein issued a show cause notice bearing Rc.No.81/A, dated 16-10-2015 asking her to submit explanation while leveling certain allegations against the petitioner. In response to the said show cause notice the petitioner herein submitted an explanation on 21-10-2015. The 4th respondent by virtue of proceedings No.151/A/2016, dated 18-02-2016 dispensed with the service of the petitioner herein. Assailing the said order of termination, the present writ petition is filed.

It is the submission of learned counsel for the petitioner that

without holding any enquiry and without affording any opportunity to the petitioner and without verifying as to the veracity of the allegations made, 4th respondent issued the impugned order of termination. It is also submitted by learned counsel for the petitioner that the 4th respondent did not consider the explanation offered by the petitioner herein in response to the show cause notice and the impugned order is completely bereft of any reasons.

On the contrary, it is submitted by learned Government Pleader that there is no illegality nor there exists any procedural infirmity in the impugned action, as such, the order impugned is not amenable for judicial review under Article 226 of the Constitution of India.

There is absolutely no dispute with regard to the fact that in response to the show cause notice issued by the 4th respondent on 16-10-2015, the petitioner herein submitted an explanation on 21-10-2015 and the same was also acknowledged by the respondents.

A perusal of the order impugned in the writ petition shows that the 4th respondent herein did not even refer to the explanation offered by the petitioner on 21-10-2015 nor considered the contents of the same. This action on the part of the respondents herein can neither be approved nor countenanced and in the considered opinion of this Court the same tantamounts to violation of principles of natural justice. Tested on the touchstone of Article 14 of the Constitution of India the impugned order, by any stretch of imagination, cannot be sustained in the eye of law.

For the aforesaid reasons, the writ petition is allowed, setting aside the order passed by the 4th respondent vide proceedings No.151/A/2016, dated 18-02-2016 and the matter is remanded to the 4th respondent for fresh consideration, in accordance with law, after issuing notice and affording opportunity of being heard to the petitioner and after considering the explanation, dated 21-10-2015 submitted by the petitioner herein.

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

A.V. SETHA SAI, J

February 29, 2016

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

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