

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 20110 of 2012

Order:

The petitioner was working as Headmistress in National Senior Basic Aided U.P. School, Jampeta, Rajahmundry, East Godavari District since 2002. There was no Correspondent to the said School since 2005. In the absence of a Correspondent, the responsibility to implement Mid-Day Meal Scheme fell on the petitioner. On 04.01.2011, the fifth respondent made a surprise visit to the School and took away all the records. On the complaint of the petitioner to the fourth respondent, the records were returned. It appears that the fifth respondent submitted a report in his letter dated 18.07.2011 and on the basis of the said report an audit team was appointed by the fourth respondent. The audit team audited the records from April 2010 to April 2011 and found no flaw in the implementation of Mid-Day Meal Scheme. However, in view of the frequent visits and interference with the School activity, the petitioner filed WP No.6762 of 2012 seeking a declaration that the action of the respondents 4 to 6 in making continuous visits to the School was illegal and improper. This Court, by an order dated 13.03.2012, disposed of the said writ petition directing the fourth respondent to take steps for selecting a Non-Government Organization for implementation of the Mid-Day Meal Scheme. Accordingly, it was entrusted to ISKCON in June 2012. However, a show cause notice was issued to the petitioner on 21.04.2012 and the petitioner submitted her explanation on 14.06.2012. Thereafter, the impugned order was passed on 08.06.2012 calling upon the petitioner to pay Rs.53,066.52 ps. Challenging the same, the present Writ Petition was filed.

2. Learned counsel for the petitioner submits that though the show cause notice was issued on 21.04.2012, it was received only on 06.06.2012 by the petitioner and the petitioner could submit the explanation on 14.06.2012. Even before submission of the

explanation on 14.06.2012 and receipt by the respondents, an order was passed on 08.06.2012 giving no reasons.

3. This Court carefully perused the explanation submitted by the petitioner on 14.06.2012, which clearly showed that she received the notice on 06.06.2012 through the Deputy Inspector of Schools, Rajahmundry. In the circumstances, the sixth respondent had no opportunity to consider the explanation submitted by the petitioner. Even otherwise also, the explanation was submitted to the fourth respondent pursuant to the show cause notice issued by him and the present impugned order was passed by the sixth respondent.

4. In those circumstances, this Court is constrained to set aside the impugned order and remand the matter to the fourth respondent for considering the explanation submitted by the petitioner on 14.06.2012 to the show cause notice issued on 21.04.2012 and pass appropriate orders in accordance with law.

5. The Writ Petition is, accordingly, allowed. However, in the circumstances, no costs.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 03.03.2016
Nsr

RAMALINGESWARA RAO, J.