

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34030 OF 2017

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed with the following prayer:

“to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent in removing the petitioner as Anganwadi worker vide Proceedings No 695/A4/2016 dated 4- 10-2017 is illegal, arbitrary, violative of Principles of Natural justice and violation of Article 14 of the Constitution of India and consequently direct the 3rd respondent to continue the petitioner as Anganwadi worker of Purini Kothapalem ICDS Project, Buchireddipalem, SPSR Nellore District.”

2. Learned counsel for the petitioner submits that the show cause notice, dated 29.09.2017, granting seven days time to file explanation, is served on the petitioner on 05.10.2017; that even before the show cause notice is served, the impugned order has been passed, which is in violation of principles of natural justice.

3. Learned Assistant Government Pleader has produced a copy of the show cause notice, dated 29.09.2017, which clearly shows that the petitioner received the show cause notice on 05.10.2017, as such even before the petitioner submitted her explanation, the impugned order was passed on 04.10.2017, which is in violation of principles of natural justice. Therefore, the impugned order is liable to be set aside.

4. Accordingly the Writ Petition is allowed, setting aside the impugned order, dated 04.10.2017, passed by the 3rd respondent. However, it is open for the respondents to take action against the petitioner by considering the explanation of petitioner by granting sufficient time to file explanation in accordance with the Rules. It is needless to say that till any action is initiated against the petitioner, she shall be continued.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date:24.10.2017
INL

JUSTICE A.RAJASHEKER REDDY

