

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WVMP.No.3745 of 2014 in WPMP.No.38768 of 2014 in
WP.No.31007 of 2014

AND

WP.No.31007 of 2014

COMMON ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Women and Child Welfare for respondents.

2. The petitioner was appointed as Aya by the respondent of the Mothers' Committee, Alwal village vide proceedings No.2002/2003 dt.26.07.2002.

3. Thereafter, she was removed from service on 23.04.2014 by the 3rd respondent without assigning any reason by proceedings No.B6/A1/ICDS/DBK.

4. In the said order, there is a reference to a Memo dt.17.02.2014 of the 3rd respondent. Copy of the said Memo simply states that the 3rd respondent was directed by the 4th respondent to remove the petitioner. No reason is mentioned therein also.

5. When the matter was listed before this Court on 16.10.2014, Notice before Admission was ordered and in WPMP.No.38768 of 2014, an interim direction was granted to the respondents to continue the petitioner as Aya at Anganwadi Centre-I, Alwal Village, Mirdoddi Mandal, Medak District, until further orders.

WVMP.No.3745 of 2014 :

6. WVMP.No.3745 of 2014 has been filed to vacate the said order.

7. In the counter-affidavit / Vacate Stay Petition filed by the respondents certain allegations are leveled against the petitioner that she was involved in illegal and immoral activities; that the elected body of the Alwal Gram Panchayat, comprising of its Sarpanch and Ward Members, passed a resolution dt.09.11.2013 to remove her and communicated the said resolution to the 4th respondent; that this was informed by the 4th respondent to the District Collector, who is the *ex officio* Chairman of the District Women and Child Development Agency, and he also directed petitioner's removal; and accordingly, the petitioner was removed from service.

8. It is not the case of the respondents that any charge memo was issued to the petitioner alleging her involvement in any illegal or immoral activities or that any enquiry has been conducted into the said allegations against the petitioner. Therefore, the action of the respondents in terminating the petitioner's services as Aya at the Anganwadi Centre-I, Alwal Village, Mirdoddi Mandal, Medak District, is clearly in violation of principles of natural justice.

9. Therefore, the Writ Petition is allowed; and the proceedings dt.23.04.2014 of the 3rd respondent is set aside; and the respondents

are directed to continue the petitioner as Aya at the said Anganwadi Centre.

10. However, this will not preclude the respondents from initiating disciplinary proceedings against the petitioner by framing a charge, giving opportunity to the petitioner submit explanation thereto, conducting an enquiry into the allegations, giving opportunity to petitioner to lead evidence in the said enquiry, and then pass appropriate orders in accordance with law.

11. Accordingly, the Writ Petition is allowed as above. No order as to costs.

12. Consequently, WVMP.No.3745 of 2014 is dismissed.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-07-2017

Ndr/*