

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.28018 OF 2009

ORDER:

Heard Ms.Poornasri holding for Mr.Vedula Srinivas for petitioner and the learned counsel for 1st respondent.

The learned counsel consent to disposing of the writ petition by this short order, for the circumstances are not in dispute and the legal ground raised by petitioner is also covered by decision of this Court in Tagore Home Junior College, Secunderabad v. P.P.A.Christian and others¹.

The 1st respondent through proceedings No.MEC/B-6/07/OW. No.141 dated 27.06.2007 terminated the services of petitioner who was working as Junior Assistant in 1st respondent college. The order of termination is challenged on two grounds, namely that without conducting enquiry or taking prior approval of competent authority as required by Section 79(1) of the A.P. Education Act, 1982, the termination order is passed.

Counsel for petitioner by merely reading the orders dated 27.06.2007 contends that there is no indication of following any procedure, much less the procedure which satisfies the requirement of the rules governing the disciplinary matters. Even assuming without admitting that some enquiry was conducted in this behalf for the purpose of gathering information, the order of termination

¹ 2001 (3) ALD 742 (DB)

without prior approval from competent authority is illegal and unsustainable. She places reliance on the decision of this Court referred above. This Court on 23.12.2009 granted interim suspension of the order dated 27.06.2007.

The 1st respondent filed petition to vacate the interim order. The 1st respondent admits that pursuant to the order dated 23.12.2009 of this Court, the petitioner is working in the college.

The objections raised by the petitioner go to the root of the legality of termination order. Admittedly, by virtue of the interim suspension granted by this Court, the petitioner has been working as on date. On the two grounds raised by petitioner, it is clear that the order of termination cannot be sustained. Hence, the order of termination is accordingly set aside and the matter is remitted to 1st respondent for consideration afresh. This Court, after taking note of age of petitioner and the association of petitioner with 1st respondent college for quite some time, is constrained to further observe that the petitioner's conduct from 2009 till date is free from any objection and a decision objectively is taken by 1st respondent management on the issue now remitted by this Court.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SV.BHATT, J

Date: 02.08.2017
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