

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.2792 OF 2017

ORDER:

The petitioner challenged the order, dated 09.01.2017, whereunder his services were removed.

2. The impugned order was based on the directions issued by this Court in Writ Petition No.21160 of 2013 and batch. The procedure followed in conducting selections to the category of disabled persons was under challenge in the said batch of writ petitions. Petitioner is a local scheduled tribe. The persons, who challenged the selection, were visually and hearing impaired persons. This Court passed final orders on 11.08.2016, allowing the writ petition setting aside the final selections made and directed the respondents therein to re-draw the list as per 1% reservation provided to each category of the Handicap and issue orders of appointment to the eligible candidates after due verification of their eligibility and after issuing due notices to the already appointed candidates.

3. Primarily, it is contended by learned counsel for the petitioner that petitioner is no way concerned with the controversy in the earlier round of litigation. Petitioner was appointed in a vacancy meant for local scheduled tribe. He would further submit that even assuming that there was need to revise the merit list in view of earlier orders of this Court, notice ought to have been issued before removing him from service. It is further contended by the learned counsel for the petitioner that this Court also directed issuing of notices before taking action, whereas while in paragraph No.7 of the order impugned refers to issuance of notices, but in paragraph No.8 straight away order of removal from service is made.

4. Learned Standing Counsel does not dispute the fact that no prior notice was issued before passing the order impugned.

5. *Prima facie*, as seen from the order, though paragraph No.7 of the order indicates issue of notice, but in paragraph No.8 straight away order is passed removing petitioner. This Court, in the earlier round of litigation, while allowing the writ petitions, directed putting the affected parties on notice. There is merit in the contention of the learned counsel for the petitioner that petitioner is entitled to raise objection in the manner of preparation of merit list and that he is no way concerned to issue raised in the earlier round of litigation.

6. Having regard to the above opinion, the Writ Petition is disposed of directing the respondents to treat the proceedings dated 09.01.2017 as show cause notice. Without waiting for communication of this order, petitioner shall submit his explanations within **ten** (10) days from today. If such explanation is submitted, the same shall be considered duly taking note of directions issued by this Court in W.P.No.21160 of 2013 and batch and by assigning due reasons pass appropriate orders as warranted by law. Till the orders are passed, petitioner shall not be dispensed with from his services. It is open to the petitioner to raise all the contentions in his explanation and the concerned authority shall consider the same before passing appropriate orders.

Miscellaneous petitions, if any, shall also stand dismissed.

P. NAVEEN RAO, J

Date: 27.01.2017
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