

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.2154 of 2017

ORDER:

Petitioners, who are orthopedically handicapped, challenged memo, dated 09.01.2017 removing them from services.

2. The impugned memo was issued in pursuance of 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. Petitioners therein are visually and hearing impaired persons. This Court passed common order, dated 11.08.2016, allowing the said batch of Writ Petitions by setting aside the final selections made and directing the respondents therein to re-draw the list as per 1% reservation provided to each category of the handicapped 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 submitted by learned counsel for petitioners that as per the directions issued by this Court in aforesaid batch

of Writ Petitions, respondents have to re-draw the merit list and pass orders of appointment after due verification of eligibility of candidates and after issuance of notices to affected parties. It is further submitted by the learned counsel for petitioners that respondents ought to have issued notices to petitioners before issuance of impugned memo removing them from services. It is also submitted by the learned counsel for petitioners that in the memo impugned, paragraph No.7 refers to issuance of notices whereas in paragraph No.8, straightaway order of removal is passed against petitioners.

4. Learned Standing Counsel does not dispute the fact that no notices were issued to petitioners before issuance of the memo impugned.

5. As seen from the memo impugned, though paragraph No.7 indicates issuance of notices, paragraph No.8 refers to straightaway passing order of removal against petitioners. This Court while allowing aforesaid batch of Writ Petitions, directed the authorities concerned to re-draw the merit list and pass orders of appointment to eligible candidates after verification and after putting on notice the affected parties. There is merit in the contention of the learned counsel for petitioners that as per the order passed by this Court in aforesaid batch of Writ Petitions,

respondents have to issue notice to affected parties before passing orders of appointment to eligible candidates as per the re-drawn list.

6. Having regard to the above, the Writ Petition is disposed of directing the respondents to treat memo, dated 09.01.2017, as show cause notice. If petitioners request, copy of the revised merit list shall be supplied to them. Petitioners shall submit their explanation within ten (10) days from the date of receipt of copy of merit list. Upon submission of such explanation, respondents shall consider the same duly taking note of the directions issued by this Court in Writ Petition No.21160 of 2013 and batch, assign due reasons in support of the decision and pass appropriate orders as warranted under law. Till such orders are passed, the services of petitioners shall not be dispensed with.

Pending miscellaneous applications, if any, shall stand closed in consequence.

24th JANUARY, 2017.

P. NAVEEN RAO, J

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