

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.7113 of 2018

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking verbatim the following relief:

"....the petitioner prays that this Hon'ble Court may be pleased to issue a writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not releasing the order of appointment pursuant to the selection made by the 2nd respondent vide G.O.Ms.no.5, dated: 29.01.2018, while issuing orders to other selected candidates like the petitioner in other district like Vizianagaram vide letter Dt.08.02.2018, is illegal, arbitrary and in violation of Article 14 of the Constitution of India and consequently, declare that the petitioner is entitled to be issued appointment order as Chairperson of Child Welfare Committee to Juvenile Justice Board in Srikakulam District and also entitled to be continued the above capacity till the tenure is completed from the date of joining, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. I have heard the submissions of *Sri M.Krishna Rao*, learned counsel appearing for the petitioner; and, of the learned Government Pleader for Women Development & Child Welfare appearing for the respondents 1 & 2.

3. At the hearing, learned counsel for the petitioner submits that though in the main prayer, release of the order of appointment and issuance of appointment order as Chairperson, Child Welfare Committee, Juvenile Justice Board, Srikakulam District, was sought; but, in view of issuance of the GO, no such further orders are necessary and that the petitioner is only required to be issued an order for assumption of charge and that therefore, the 1st respondent, Juvenile Welfare, Correctional Services & Welfare of Street Children, Vijayawada, Andhra Pradesh, may be directed to issue necessary proceedings in favour of the petitioner for assumption of charge and if such a relief is granted, the grievance of the petitioner stands redressed.

4. Learned Government Pleader appearing for the respondents brings to the notice of the Court, on oral instructions, that the antecedents of the petitioner are re-verified and on such verification, certain allegations have come to light that the petitioner misused the funds of his NGO under the name and style, 'Helping Hands Association' and that he has affiliation with political parties and his integrity is doubtful and that therefore, he is not suitable to hold the post. However, it is submitted that the final verification report is awaited.

5. In reply, learned counsel for the petitioner would submit that an opportunity may be given to the petitioner to make a representation to the Director to issue proceedings for assumption of charge of the post after considering the said representation in strict accordance with law.

6. Learned Government Pleader endorses the said submission.

7. Accordingly, the Writ Petition is disposed of, reserving liberty to the petitioner to submit a representation to the 1st respondent herein, seeking permission to assume charge of the post of Chairperson of the Child Welfare Committee, Juvenile Justice Board, Srikakulam District, within one week from the date of receipt of a copy of this order. In the event, the petitioner makes any such representation, the said authority shall consider and dispose of the same, within a period of four weeks from the date of receipt of such representation, in strict accordance with the procedure established by law, if necessary, by calling for a detailed report on the antecedents of the petitioner and providing an opportunity of hearing to the petitioner.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

12th April, 2018
RAR

M. SEETHARAMA MURTI, J