

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7245 OF 2018

ORDER:

This writ petition is filed challenging the proceedings No.Estt/A/Rec/Ter-1/2017-18, dated 06.02.2018, wherein and whereby petitioner's services as Anganwadi Teacher were terminated with immediate effect on the ground that the petitioner has uploaded fake residential certificate in online while applying for Anganwadi Teacher Post.

Learned counsel for the petitioner submits petitioner was appointed on 18.11.2017 as Anganwadi Teacher in Bonakal, as per procedure and she worked till the date of termination, but, without issuing any notice and conducting enquiry, the impugned order is passed which is in violation of principles of natural justice.

Learned Government Pleader for Women and Child Welfare submits that the appointment itself is temporary one which was granted subject to verification of records. He also submits that as petitioner was found submitted false certificate, the respondents are going to issue fresh notification.

The learned counsel for the petitioner submits that guidelines were issued for undertaking the selection process of AWTs vide Circular Memo No.4207/ICDS-3/2016, dated

02.06.2017; that as per the said guidelines, before selection, the concerned CDPO shall verify the application form and the original certificates of the candidates, thoroughly, and send the signed verification reports and remarks of the to the District Selection Committee for finalization of candidates; and that after due verification of original certificates and other prescribed documents by the CDPO concerned, the candidates were selected.

In this case admittedly, the petitioner was appointed and worked till the date of termination i.e. almost two and half months and the impugned order is passed without issuing any notice to the petitioner. Though learned Government Pleader submits that as per the appointment letter the candidates can be terminated without notice, but, when allegations are made against the petitioner regarding production of fake certificate, it is the duty of the respondents to issue notice calling for explanation and after due enquiry orders have to be passed. But, in this case, a reading of the impugned proceedings goes to show that no such process has been followed. In the counter also it is not disputed that no notice was issued to the petitioner.

In view of the aforesaid facts and circumstances, the impugned order dated 06.02.2018 is set aside only on the ground of violation of principles of natural justice. However,

this will not preclude the competent authority in issuing notice to the petitioner and take action accordingly.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

09.04.2018
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