

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.844 OF 2018

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the petitioner in W.P.No.14243 of 2018 which came to be allowed in part by a learned Judge of this Court *vide* order dated 24.04.2018. The prayer of the appellant-petitioner in the said writ petition was to quash the proceedings dated 20.02.2018 issued by the District Educational Officer, Ex-Officio (DPO), TSSA, Mahabubnagar, terminating her contract.

The appellant-petitioner was appointed on contract basis as a Special Officer in Kasturba Gandhi Balika Vidyalaya Society, Devarkadra, for the academic year 2017-18. However, by the impugned proceedings dated 20.02.2018, she was terminated from service without conducting a departmental enquiry, on the strength of reports collected behind her back. Taking note of this fact and the order dated 02.06.2017 passed by a Division Bench of this Court in W.P.No.21094 of 2014, the learned Judge allowed the writ petition holding that the termination of the appellant-petitioner's service was illegal. However, while setting aside the impugned proceedings, the learned Judge observed that it would not be open to him to extend the contract period which had admittedly expired on 14.04.2018. On the strength of this reasoning, the learned Judge held that the appellant-petitioner could not be granted the relief of reinstatement in service. Aggrieved by denial of this relief, the present appeal was preferred.

Sri S.Gopal Rao, learned counsel for the appellant-petitioner, would contend that though the contract specifically mentioned the academic year 2017-18 and the learned Judge was correct in holding that the

contract period could not be extended beyond the said academic year, relief ought to have been granted to the appellant-petitioner keeping in mind the fact that her contractual service was terminated prematurely for reasons wholly attributable to the management.

We find merit in this submission as the authorities themselves resorted to the procedure, which has now been held to be arbitrary and illegal, in issuing the impugned proceedings dated 20.02.2018. Therefore, the authorities are responsible and liable for the fact that the appellant-petitioner could not render service till the end of the academic year 2017-18. Once the said termination is held to be illegal, the appellant-petitioner would be entitled to salaries upto the expiry of the academic year on 14.04.2018.

There shall accordingly be a direction to the respondents to pay salaries to the appellant-petitioner in terms of her contract upto 14.04.2018. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ appeal is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 02.11.2018
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