

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.31367 OF 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in particular the 5th respondent in terminating the services of the petitioner as Anganwadi Worker in Turakapeta Anganwadi Centre, Sarubujili Mandal, Srikakulam District, vide Rc.No.123/2011-12, dated 2.11.2011, and handing over the same to one B. Saraswathi of Buridipalli Colony, as illegal and arbitrary, and to set aside the same.

2. Heard Sri M. Krishna Rao, learned Counsel for the petitioner and the learned Government Pleader for Women and Child Welfare for the respondents.

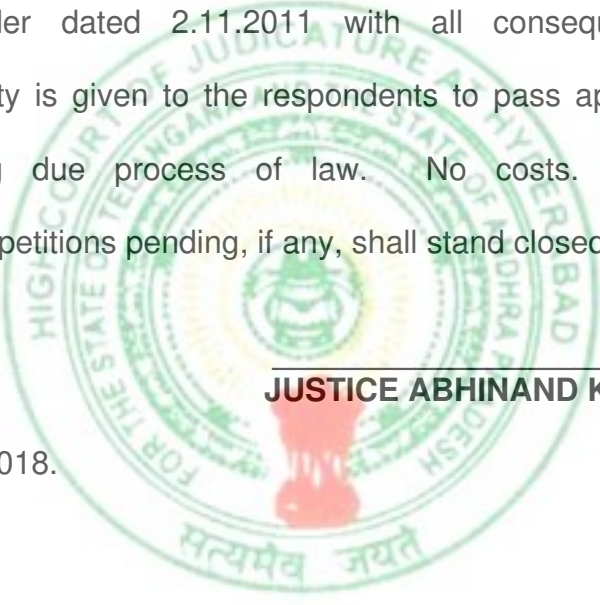
3. It has been contended by the petitioner that she was appointed as Anganwadi worker on 3.9.2011 in pursuance of the notification issued by the respondents dated 12.11.2010, and while she was discharging her duties, the respondents issued proceedings dated 2.11.2011 terminating the services of the petitioner and directing the petitioner to hand over the charge to another Anganwadi worker of neighbouring village. Further, it has been contended by the petitioner that no opportunity was given and no enquiry was conducted before terminating the services of the petitioner as Anganwadi worker, and that as the impugned order was passed in violation of principles of natural justice, the same is liable to be set aside.

4. The learned Government Pleader for the respondents contended that the petitioner is overaged and the respondents have issued show cause notice and followed the principles of natural justice also while terminating the services of the petitioner, and that no illegality has been

committed by the respondents in terminating the petitioner and that the petitioner is not eligible to be appointed as Anganwadi worker.

5. This Court has considered the rival submissions made by both the parties and the material available on record. In the impugned order, nowhere it was stated that opportunity was given to the petitioner before passing the impugned termination order. Therefore, this Court is of the view that the impugned order was passed in violation of principles of natural justice and therefore, the same is liable to be set aside.

6. Accordingly, the Writ Petition is disposed of setting aside the impugned order dated 2.11.2011 with all consequential benefits. However, liberty is given to the respondents to pass appropriate orders after following due process of law. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 23.10.2018.
Nn.

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Nn.