

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.30716 OF 2018

Date: 29.08.2018

Between:

E.Kanishka, s/o. Sankaraiah, Aged about 33 years
r/o.Burlavaripalem village, Vakadu Mandal,
SPSR Nellore district.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Education Department, Secretariat,
Velagapudi, Amaravathi, Guntur district and
others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is working as Inclusive Education Resource Teacher (IERT). Show-cause notice dated 26.05.2018 was served on petitioner alleging that on 23.05.2018 he was found absconding from duties. Considering the explanation filed, orders were passed on 29.06.2018 terminating the petitioner from service holding that he was unauthorizedly absent from 17.05.2018. The said order of termination is challenged in this writ petition.

2. On a perusal of the order impugned, as compared to the show-cause notice, it is seen that though in the show-cause notice what was alleged was only absence on 23.05.2018, whereas impugned order speaks of unauthorized absence from 17.05.2018. Thus, for reasons other than originally assigned in the show-cause notice, termination was effected.

3. Having regard to the fact that such kind of termination is not valid in law, learned standing counsel fairly submits that fresh opportunity be afforded to the respondents. Writ Petition is allowed holding that termination is illegal. Respondents are directed to treat the order of termination dated 29.06.2018 as show-cause notice. Petitioner shall file his explanation to the allegation of unauthorized absence within a period of two weeks from the date of receipt of copy of this order. On filing such explanation, the respondents shall consider the same and pass appropriate orders as warranted by law. Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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