

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34675 of 2018

ORDER:

The proceedings bearing Rc.No.N1/24/2018-A, dated 15.09.2018 of the Joint Collector/Chairman, District Purchase Committee, TSWREIS, Nirmal District/the second respondent herein, cancelling the catering contract of the petitioner herein while keeping him in blacklist for three years, is under challenge in the present writ petition.

2. The material available on record shows that on 12.09.2018 the Principal, TSWREIS/Jr.College (Boys), Mudhole, Nirmal District/the fifth respondent herein issued Memo in Rc.No.N1/Hostel Maintenance/05/18, calling upon the petitioner herein to submit his explanation regarding the incident which allegedly took place a day prior to the said memo. In response to the said memo, petitioner herein submitted an explanation on 12.09.2018 ie., on the same day. Now, by way of the impugned proceedings dated 15.09.2018, the Joint Collector, second respondent herein cancelled the contract.

3.. The complaint of the petitioner in the present writ petition is that the third respondent passed the said order without giving any notice and opportunity to the petitioner. It is also his complaint that the respondents did not consider even the explanation offered by the petitioner herein on 12.09.2018.

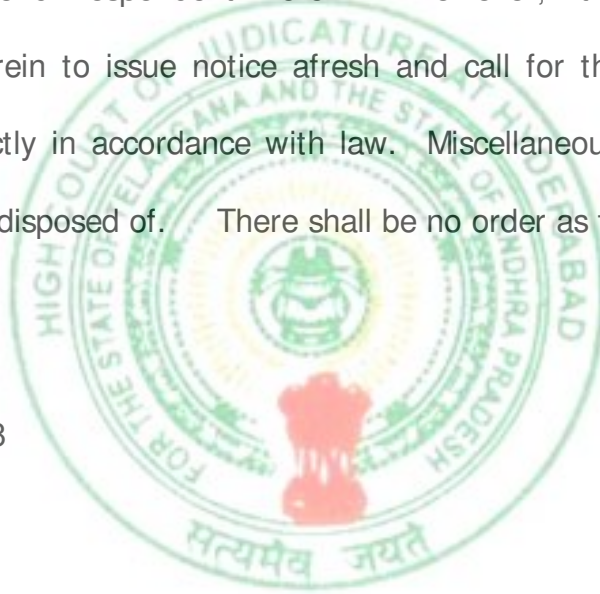
4. A perusal of the impugned order does not reveal anything with regard to the explanation submitted by the petitioner herein and the third respondent did neither show the said explanation as a reference to the impugned proceedings nor considered the said explanation offered by the petitioner herein. This exercise undertaken by the third respondent is a

patent violation of the principles of natural justice. Since it is a settled proposition of law that any action which has civil consequences, must necessarily be preceded by a notice and opportunity to the persons likely to be effected by such action. In the instant case, the same is followed in breach. Therefore, on this ground alone the impugned order is liable to be set aside.

5. Accordingly, the writ petition is allowed, setting aside the impugned proceedings Rc.No.N1/24/2018-A, dated 15.09.2018 of the Joint Collector/Chairman, District Purchase Committee, TSWREIS, Nirmal District/the second respondent herein. However, it is open for the respondents herein to issue notice afresh and call for the explanation and take action strictly in accordance with law. Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

Date:06.12.2018
b/o grk

A.V.SESHA SAI, J



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W.P.No.34675 of 2018

Dated: 06.12.2018

grk