

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.851 of 2019

ORDER:

This writ petition is filed seeking following relief :-

“.....issue an appropriate writ, order more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent in terminating the services of the Petitioner as Anganwadi teacher, Balramanagar, Kalwakurthy sector by issuing proceedings No.88/ A/ 2018 dated 17.12.2018 without following principles of natural Justice, without issuing any notice nor conducting any enquiry and not following law is illegal, arbitrary, unjust, violative of Articles 14, 16, 21 and 311 of Constitution of India and gross violation of principles of natural justice and consequently set aside the same and direct the Respondents to reinstate the Petitioner as Anganwadi Teacher, Balramanagar, Kalwakurthy sector forthwith with all consequential benefits including continuity of service”.

Heard Mr.Suresh Kumar Potturi, learned counsel for petitioner and the learned Government Pleader for Women Development and Child Welfare Department.

It has been contended by the petitioner that she was appointed as Anganwadi Teacher during the year 1989 and since then, she has been discharging her duties without any complaint. While so, during August 2018, it is alleged that 46 packets of nutrition food i.e., Balamrutham was misused by the petitioner, and accordingly, the 4th respondent, without conducting any enquiry or giving any opportunity to the petitioner, has passed the impugned termination order dated 17.12.2018.

Learned counsel for the petitioner submits that the 5th respondent has instructed the 4th respondent to terminate the services of the petitioner. Accordingly, the 4th respondent, without

conducting any enquiry or giving any opportunity to the petitioner, has passed the impugned termination order dated 17.12.2018, which is nonest in the eye of law, as it was passed without giving any opportunity to the petitioner. Therefore, the impugned order is liable to be set aside.

Learned Government Pleader appearing for respondents has contended that after giving reasonable opportunity to the petitioner, the impugned termination order was passed terminating the services of the petitioner. Along with the counter, he has filed set of documents to demonstrate that sufficient opportunity was given to the petitioner before passing the termination order.

This Court, having considered the rival submissions, is of the considered view that the impugned order was passed on 17.12.2018 without assigning any reasons. If the respondents have conducted enquiry and given reasonable opportunity to the petitioner, the same ought to have been reflected in the impugned order. However, no reasons are assigned in the impugned order except stating that as per the instructions of 5th respondent, the services of the petitioner were terminated. Therefore, the impugned order is liable to be set aside only on the ground that no reasons are assigned while terminating the services of the petitioner.

Hence, the writ petition is allowed setting aside the impugned order. The respondents are directed to pay all consequential benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. However, the respondents are given liberty to pass fresh orders in accordance with law, after

giving opportunity to the petitioner, if necessary, by conducting regular enquiry.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

19-02-2019
Prv

