

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6287 of 2019

ORDER:

Petitioner is challenging the suspension orders dated 19-03-2019 passed by the 1st respondent-District Collector on the ground that the 2nd respondent-District Tribal Welfare Officer, Kumrambheem-Asifabad District, Asifabad, has issued show cause notice on 18-03-2019 as to why disciplinary action should not be initiated against the petitioner and she was asked to submit explanation within seven days and even before expiry of seven days, the 1st respondent -District Collector, vide orders dated 19-03-2019, had placed the petitioner under suspension.

2. The petitioner further contended that she is working as a Head Master and the allegations levelled against the petitioner are totally false and incorrect. In fact, the Hostel Welfare Officer Grade-II is responsible to the said allegations. A plain reading of the suspension order would make it abundantly clear that the role of the petitioner as a Head Master has got nothing to do in respect of serving lunch to the students at 5.30 pm instead of 1 pm since it is the sole responsibility of the Hostel Welfare Officer Grade-II and 36 students of the school were admitted in Asifabad Area Hospital due to water pollution and food poisoning. She further contended that suspension orders are without application of mind and without any basis and therefore the said orders be set aside.

3. Learned Government Pleader for Services-I has submitted that the petitioner, being the Head Master of the institution, is responsible for over all supervision of the institution and there is a right of appeal to the petitioner to approach 3rd respondent-Commissioner for Tribal Welfare against the suspension orders, but the petitioner, without exhausting the appeal provision, has approached this Court straight away. Therefore, the Writ Petition is not maintainable and is liable to be dismissed.

4. This Court, having considered the submissions made by the counsel for the both parties, is of the view that this Writ Petition can be disposed of directing the petitioner to prefer an appeal against the suspension orders before the 3rd respondent-Commissioner for Tribal Welfare, if she is so advised, within one week from the date of receipt of a copy of this order and upon such appeal being preferred, the appellate authority shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks thereafter.

5. With these observations, the Writ petition is disposed of.
No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 26-03-2019
kvr