

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9561 OF 2019

ORDER:

When the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that the 2nd respondent had issued the impugned notice of termination to the petitioner and no reasons are assigned for terminating the services of the petitioner and no opportunity was given to the petitioner before terminating her services, therefore, on this short ground, the impugned order is liable to be set aside.

Learned Standing Counsel appearing for the 2nd respondent Institution has submitted that the petitioner was terminated only on account of discrepancy of her educational qualifications and in view of new norms of the 3rd and 4th respondents and the same was made clear even in the impugned order and the 2nd respondent has no other option except to terminate the services of the petitioner because the petitioner is not having the qualifications as per the norms of respondents 3 and 4, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed. However, learned Standing Counsel appearing for the 2nd respondent had submitted that if the matter is remitted back to the 2nd respondent, the 2nd respondent would consider and pass a reasoned order in accordance with law.

Admittedly, the petitioner is working with the 2nd respondent since 30.08.2014 and, before passing the impugned orders, the 2nd respondent ought to have given a reasonable opportunity to the

petitioner as to whether she possesses educational qualifications in terms of new norms prescribed by the 3rd and 4th respondents. In the impugned order, no reasons are assigned except making a bald statement that there is discrepancy in the educational qualifications of the petitioner in terms of new norms. No attempt was made by the 2nd respondent to ascertain whether the petitioner is having requisite qualifications as per new norms. Thus, this Court is of the considered view that the impugned order is not a speaking order and the same has been passed without following the principles of natural justice. Therefore, the impugned order dated 01.04.2018 is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order dated 01.04.2018 and the matter is remitted back to the 2nd respondent to re-consider the entire issue and pass appropriate orders, in accordance with law, after affording an opportunity to the petitioner. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th July, 2019
v v