

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12172 of 2019

ORDER:

With the consent of learned counsel for both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a Writ of Mandamus, directing the respondents to consider the representations submitted by the petitioner on 27.10.2018 and 28.02.2019, which was sent by Registered Post on 23.04.2019, for reinstating her into service as Anganwadi Worker in view of the acquittal order passed by the Judicial Magistrate of First Class, Narayankhed in C.C.No.256 of 2015, dated 28.09.2018, by duly declaring the action of the respondents in not considering the representations of the petitioner submitted on 27.10.2018 and 28.02.2019, which was sent by Registered post on 23.04.2019, for reinstating her into service as Anganwadi Worker even after acquittal order passed by the learned Judicial Magistrate of First Class, Narayankhed, in C.C.No.256 of 2015 dated 28.09.2018 in favour of the petitioner, as illegal, arbitrary, unjust and violative of Articles 14 and 16 of the Constitution of India.

Heard the learned counsel for both parties.

It has been contended by the petitioner that during December, 1990, she was appointed as Anganwadi Worker at Gopan Venkatapur Village of Shankarampet Mandal in Medak District and since then, she has been discharging her duties to the best satisfaction of her superiors and every one concerned. While so, a criminal case i.e., Crime No.213 of 2014 for the offences under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act was registered against the petitioner. Thereafter, the respondents have removed the petitioner from service vide orders dated 31.10.2014 only on

the ground that a criminal case was registered against the petitioner. It is also stated that the Judicial Magistrate of First Class, Narayankhed had tried the case in C.C.No.256 of 2015 and acquitted the petitioner of the charges leveled against her vide judgment dated 28.09.2018. Subsequently, the petitioner has submitted representations to the respondents on 27.10.2018 and 28.02.2019 requesting them to reinstate her into service as the competent criminal court has acquitted her of the charges leveled against her vide judgment dated 28.09.2018 in C.C.No.256 of 2015.

Learned counsel for the petitioner submitted that so far the respondents have not passed any orders on the representations submitted by the petitioner nor reinstated the petitioner into service by duly taking into account the judgment dated 28.09.2018 passed by the learned Judicial Magistrate of First Class, Narayankhed in C.C.No.256 of 2015. Therefore, learned counsel further submits that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner on 27.10.2018 and 28.02.2019 and pass appropriate orders thereon in accordance with law.

Learned Government Pleader appearing for the respondents submitted that the case of the petitioner will be considered and appropriate orders would be passed on the representations submitted by the petitioner.

This Court, having considered the submissions made by the learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 27.10.2018 and 28.02.2019 and pass appropriate orders by duly taking into account the fact that the petitioner was acquitted of the criminal charges in C.C.No.256 of 2015 vide judgment dated 28.09.2018 passed by the learned Judicial Magistrate

of First Class, Narayankhed and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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 SHAVILI, J

19th June 2019
v v

