

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.27937 of 2011

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue writ or direction preferably writ of mandamus declaring the order issued by respondent No.3 vide proc.AEC/ MR/ SW/ B.Tech II Year civil/ YJR/ Complaint/ FIR/ Termination/ 2011/ 2404 dt.18.8.2011 as illegal, arbitrary and violative of principles of natural justice and violative of Sec.79 of A.P.Education Act, 1982 and consequently set aside the said order and direct respondent No.3 to reinstate the petitioner with all consequential benefits”.

Heard Mr.Kowturu Vinaya Kumar, learned counsel appearing for the petitioner, Sri S.Niranjan Reddy, learned Standing Counsel for 3rd respondent and Sri K.Ramakanth Reddy, learned Standing Counsel for the 4th respondent.

It has been contended by the petitioner that he was appointed as Assistant Professor in the 3rd respondent College during July, 2009 and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. While so, a false criminal case has been registered against the petitioner in Cr.No.141 of 2011 before the Paloncha Police Station for the alleged offence under Section 354 IPC. Based upon such complaint being received against the petitioner, the 3rd respondent College has terminated the services of the petitioner vide order dated 18.08.2011 without obtaining prior permission from the competent authority under Section 79 of the A.P.Education Act. Challenging the said termination order, the present writ petition is filed.

Learned counsel for the petitioner submits that when the termination order is stigmatic alleging that the petitioner had involved in a criminal case, without conducting any enquiry and without giving any opportunity to the petitioner, the 3rd respondent had straight away terminated the service of the petitioner. Therefore, the impugned termination order is liable to be set aside. Apart from that, the learned counsel for the petitioner submits that the petitioner was tried by the competent Sessions Court in SC.No.150 of 2012 and he was acquitted by the Principal Assistant Sessions Judge, Kothagudem vide judgment dated 14.11.2018. In view of acquittal of the petitioner, which was the basis for the 3rd respondent to terminate the service of the petitioner, in all fairness, the 3rd respondent has to re-consider the termination order and reinstate the petitioner into service with all consequential benefits.

Learned counsel for the 3rd respondent has contended that if the petitioner submits a representation by enclosing a copy of the judgment in SC.No.150 of 2012 dated 14.11.2018, the 3rd respondent would consider the same and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation to the respondents claiming reinstatement into service by enclosing a copy of the judgment in SC.No.150 of 2012 dated 14.11.2018 within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass

appropriate orders in accordance with law within four weeks thereafter.

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

19-09-2019
Prv

