

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.29062 OF 2019

ORDER:

Heard Sri V.Ravi Kiran Rao, learned counsel for the petitioner and the learned Government Pleader for Women Development and Child Welfare Department. With the consent of the counsel on either side, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the Proceedings Ad.No.97/A/2019/DWO/Medak dated 16.09.2019 issued by the Respondent No.5 i.e. District Welfare Officer, Women, children, Disabled and Senior Citizens Welfare Department, Medak District rejecting the request of the petitioner basing on the orders passed by the District Collector, Medak in Note File dated 13.09.2019 (Copy of the same was not furnished to the petitioner) for reinstating her into service as Anganwadi Worker even though the learned Judicial Magistrate of First Class, Narayankhed acquitted her from the offence alleged against me by order dated 28.09.2018 in CC.No.256 of 2015, as illegal, arbitrary, unjustified and violative of Articles 14 and 16 of Constitution of India and contrary to the well settled principles of law laid down while deciding the cases arising under removal of employees from service and set aside the same with a consequential direction to the Respondents to reinstate the petitioner into service as Anganwadi Worker by taking into consideration of the acquittal order passed by the learned Judicial Magistrate of First Class, Naraykhed dated 28.09.2018 in CC.No.256 of 2015 from the offence alleged against her and pass such further or other orders.....”

It has been contended by the petitioner that she was appointed as Anganwadi worker during December 1990 at

G.Venkatapur Village, Shankarampet (A) Mandal, Medak District and since then, she has been discharging her duties to the best satisfaction of her superiors and everyone concerned. She further contends that while she was discharging her duties as Anganwadi worker, a criminal case in CC.No.213 of 2014 was registered against her and the respondents without examining whether the alleged charge levelled against her is true or false, mechanically passed removal order vide proceedings dated 22.06.2014 and consequential proceedings dated 31.10.2014 removing her from service by the 7th respondent. The petitioner further contends that the police after investigating the case have filed a charge sheet in CC No.256 of 2015 and she was acquitted of the said criminal charge vide judgment dated 28.09.2018 by the Judicial Magistrate of First Class, Naryankhed. The petitioner further contends that she had submitted an application requesting the respondents to reinstate her into service. But the respondents failed to consider her representation, therefore, she has filed W.P.No.12172 of 2019 before this Court and this Court vide order dated 19.06.2019 disposed of the said writ petition directing the respondents to consider her case by duly taking into account the fact that she has been acquitted of the criminal charge in CC.No.256 of 2015 and pass appropriate orders in accordance with law. The respondents without considering her case in terms of the orders passed by this Court, mechanically removed her from service vide order dated 16.09.2019 by assigning different reasons.

Learned counsel for the petitioner contends that though petitioner was removed from service on the ground that criminal case is pending against her, the reason assigned in the removal order is that the petitioner is not residing in the village where she was appointed as Anganwadi worker. He further contends that though this Court specifically directed to reconsider the case of the petitioner by duly into account the fact that petitioner was acquitted of the charges in CC.No.256 of 2015, the respondents without examining and without understanding the fact that the petitioner was removed from service on the ground that a criminal case is pending against her and without taking into account the order passed by this Court in W.P.No.12172 of 2019 dated 19.06.2019, mechanically rejected the case of the petitioner for re-engaging/reinstating her into service as Anganwadi worker by assigning altogether different reasons which have no bearing on the present case.

Learned Government Pleader appearing for the respondents contends that the reason assigned in the rejection orders are contrary to the reason, for which the petitioner was removed from service. Therefore, he contends that appropriate orders be passed by duly taking into account the order passed by this Court in W.P.No.12172 of 2019.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that the impugned rejection order dated 16.09.2019 is liable to be set aside and accordingly it is set aside, as the same is passed without application of mind and without

taking into account the fact that petitioner was acquitted by the competent Criminal Court in CC.No.256 of 2015 and without referring to the order passed by this Court in W.P.No.12172 of 2019 dated 19.06.2019. Therefore, the respondents are directed to examine the case of the petitioner afresh by duly taking into account the fact that the petitioner was acquitted by the competent Criminal Court in CC.No.256 of 2015 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, this writ petition is allowed.

No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-01-2020
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