IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5600 OF 2025

Between:

Gajulapalli Parvathi, W/o Kondaiah, Aged about 27 years, Occ: Anganavadi Helper, R/o. Peddaraveedu Village and Mandal, Prakasam District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Women Development and Child Welfare Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Prakasam District at Ongole
3. The Project Director, District Women and Child Development Agency, Ongole, Prakasam District.
4. The Child Development Project Officer, ICDS project, Domala, Prakasam District.
5. The Mandal Parishad Development Officer, Peddaraveedu Mandal, Prakasam District.

(Cause Title in respect of Respondent Nos. 3 & 4 amended as per C.O.dt. 11.03.2025 vide IA No. 2/2025 in WP No. 5600/2005 in the petition & Affidavit)

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularity

one in the nature of Writ of Mandamus, declaring the issuance of the impugned proceedings vide Memo No. 49/A/2024, Dated. 18.12.2024 and consequential proceedings vide Show Cause Notice Memo. 49/A/2024, Dated. 06.02.2025, issued by the 4th respondent thereby recommending for termination, without conducting proper enquiry and not allowing the petitioner to perform her the duties and not paying regular salary, as highly illegal, arbitrary, improper and non-application of mind and violation of principles of natural justice apart from violate of article 14, 16 and 21 of the Constitution of India and consequently direct the respondents not to take coercive steps in pursuant to the said impugned proceedings.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to allow her to perform her duties and to pay the regular salary, pending disposal of main writ petition

Counsel for the Petitioner: SRI T S N SUDHAKAR

Counsel for the Respondent Nos. 1 to 4: GP FOR SERVICES II

Counsel for the Respondent No.5: SMT. B V APARNA LAKSHMI (SC FOR MPPS, ZPPS & GP)

The Court made the following: ORDER

APHC010105932025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3506]
(Special Original Jurisdiction)

TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5600/2025

Between:

Gajulapalli Parvathi, ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1.T S N SUDHAKAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

"to declare the issuance of the impugned proceedings vide Memo No.49/A/2024, Dated 18.12.2024 and consequential proceedings vide Show Cause Notice Memo.49/A/2024, Dated 06.02.2025 issued by the 4th respondent thereby recommending for termination, without conducting proper

enquiry and not allowing the petitioner to perform her the duties and not paying regular salary as highly illegal, arbitrary, improper and non-application of mind and violation of principles of natural justice apart from violation of Articles 14, 16 & 21 of the Constitution of India and consequently direct the respondents not to take coercive steps in pursuant to the said impugned proceedings or pass such other orders."

2. Petitioner was appointed as Anganvadi Helper vide proceedings dated 15.05.2021 and that, she has been discharging her duties since then. Before being appointed as such, she had contested local body elections and elected as 6th ward member of Peddaraveedu on 14.04.2021. She has been issued Memo dated 21.11.2024 alleging that she was involved in certain criminal cases and also holding the position of ward member, hence not entitled to be appointed as Angavadi Helper. Therefore, she was called upon to submit explanation. Petitioner submitted explanation on 18.12.2024, *inter alia* submitting that she was not aware of such stipulation of not holding two positions simultaneously, therefore, she has submitted resignation to ward member on 02.12.2024. Considering the same proceedings were sought to be dropped. Subsequently, the 3rd respondent issued another memo dated 18.12.2024 calling for explanation with

same set of allegations. By impugned show-cause Memo No.49/A/2024, dated 06.02.2025, the 3rd respondent has come to conclusion that petitioner has deliberately suppressed the fact of she being elected representative as ward member and got appointed as Anganvadi Helper, therefore, the case of the petitioner shall be referred to higher authorities for the purpose of termination of her services.

3. Heard Sri T.S.N.Sudhakar, learned counsel for petitioner, learned Assistant Government Pleader for the respondents 1 to 4 and Smt.B.V.Aparna Lakshmi, learned standing counsel for the 5th respondent.

4. Learned counsel for the petitioner submits that impugned proceedings dated 06.02.2025 is without conducting any prior enquiry and affording an opportunity to the petitioner and the respondents have predetermined to initiate action of removal of service without conducting proper enquiry, therefore, the said proceedings requires to be set aside.

5. Learned Assistant Government Pleader for respondents 1 to 4 placed on record written instructions, as per which, it is stated that though the petitioner has been issued Memo dated

18.12.2024 calling upon to submit explanation, no reply has been filed to the same and therefore, the petitioner was issued show-cause notice Memo No.49/A/2024, dated 06.02.2025 and even for that, there is no reply. The petitioner has got appointed as Anganvadi Helper by suppressing the factum of her being elected as a ward member and she continued to hold the said position without resigning, therefore, she was ineligible and hence, necessary action was proposed against her.

6. The impugned proceedings dated 06.02.2025 challenged in the present writ petition, on close scrutiny, does not decide the objections of the petitioner dated 18.12.2024, rather it refers the matter to higher authorities for taking appropriate action. Though the petitioner has been issued Memos dated 21.11.2024 and 18.12.2024, the objections raised by the petitioner have not been taken into consideration, and yet, again another proceedings dated 06.02.2025 has been issued.

7. This Court finds that the said proceedings is more in the nature of show-cause notice but not an order upon adjudicating the objections raised by the petitioner. In view of the same, this Court is of the opinion that it would suffice to dispose of the writ

petition directing the respondents to treat the proceedings dated 06.02.2025 issued by the 3rd respondent as show-cause notice, for which the petitioner is permitted to file objections, if any, within a period of two weeks from the date of receipt of a copy of this order and thereafter, the 3rd respondent shall consider the said objections and pass speaking order in accordance with law within a period of four weeks from thereafter. Till such enquiry is completed, the petitioner shall be continued to discharge duties as Anganvadi Helper.

8. With the above direction, this writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

Sd/- B PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government, Women Development and Child Welfare Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Prakasam District at Ongole
3. The Project Director, District Women and Child Development Agency, Ongole, Prakasam District.
4. The Child Development Project Officer, ICDS project, Dornal, Prakasam District.
5. The Mandal Parishad Development Officer, Peddaraveedu Mandal, Prakasam District
6. One CC to Sri T S N Sudhakar Advocate [OPUC]
7. One CC to Smt. B V Aparna Lakshmi, SC for ZPPS, MPPS & GP, Advocate [OPUC]
8. Two CCs to GP for Services II, High Court of Andhra Pradesh. [OUT]
9. Three CD Copies

TF

HIGH COURT

DATED:11/03/2025

ORDER

WP.No.5600 of 2025



DISPOSING OF THE W.P., WITHOUT COSTS