

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU
&
THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA

Writ Appeal No. 442 Of 2023

JUDGMENT :

Heard learned counsel for the petitioner and learned Government Pleader for Women Development & Child Welfare appearing on behalf of the 4th respondent.

2. In course of the submissions of the writ appeal, learned counsel for the appellant states that the appellant is the 5th respondent in W.P.No.34923 of 2011. According to him, the writ petition was allowed without even ordering notice to the 5th respondent (present appellant). Pursuant to the orders passed in W.P.No.34923 of 2011, the writ petitioner was appointed as an Aganwadi worker. This Court secured the record of W.P.No.34923 of 2011. A perusal of the record reveals that notice was ordered to the 5th respondent (present appellant) on 18.01.2012. On 23.02.2012, it was mentioned as "Await Notice". Thereafter, on the submissions of the learned counsel for the petitioner, that the 5th respondent resigned, the status of the case was directed to be verified. Ultimately, by orders, dated 12.04.2022, the impugned order was passed. The reading of the impugned order also shows that none appeared for the 5th

respondent. It is clear that the 5th respondent was not even issued notice before the impugned order was passed.

3. In the opinion of this Court, since there is a failure of rules of natural justice, the impugned order cannot stand. It is accordingly, set aside.

4. It is however brought to the notice of this Court that the 1st respondent has already been appointed as Anganwadi worker, pursuant to the impugned order in W.P.No.34923 of 2011.

5. Notice was served on the 1st respondent and proof of service is filed in USR.No.50511 of 2023. She did not appear before this Court or contest the case.

6. In these circumstances, the matter is remanded back to the learned single Judge with a request to hear and dispose of the matter on merits, within a period of two (02) months from the date of receipt of a copy of this order. Sri Srinivas Ambati, learned counsel for the writ appellant states that he has the necessary instructions to appear and if notice is served by the Court to him, he is willing to appear on her behalf and contest the case. On remand, notices should be issued to all the concern and the matter should be disposed of on merits, within the period stipulated above.

7. With the above observations, the writ appeal is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, pending shall also stand dismissed.

JUSTICE D.V.S.S.SOMAYAJULU

JUSTICE DUPPALA VENKATA RAMANA

18th day of July, 2023.
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Dated: 18.07.2023

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