

Deepa Kasera Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-03-2012

Appellant : Deepa Kasera

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Mukesh Kumar Agrawal

Judgement :

1 W.A.No.983/2012 W.A.No.984/2012 3.9.2012 Shri Mukesh Kumar Agrawal, Counsel for appellants.

This order shall decide W.A.No.983/2012-Deepa Kasera versus State of M.P.& others and W.A.No.984/2012- Shobha Raghuvanshi versus State of M.P.& others involving similar controverRs.based on similar set of facts.

For the convenience, facts are taken from W.A.No.983/2012.

This appeal is directed against an order dated 9.7.2012 in Writ Petition No.8546/2012 by which the writ petition preferred by the appellant against show cause notice dated 30.5.2012 directing the appellant to show cause as to why her services be not terminated and appointment be not cancelled, was dismissed.

This appeal has been filed assailing the aforesaid show-cause notice.

Today, we have considered the similar controverRs.in W.A.No.881/2012-Ku.Kshama Bhagat versus State of M.P.& others and have disposed of aforesaid matter by an order which reads thus:- 3.9.2012 Shri Sanjay Singh for the appellant.

Shri P.K.Kaurav, Dy.AG for the respondents.

This appeal is directed against an order dt.9.7.2012 in W.P.No.8490/2012 by which a writ petition preferred by the petitioner against show-cause notice (Annexure-P/13) dt.30.5.2012, was disposed of finally with the following direction : The aforesaid contention of the petitioner cannot be accepted.

Once a show cause notice is issued to the petitioner, he is required to submit reply to the show cause notice, the reply is to be considered by the competent authority of the department and, thereafter, it is for the competent authority to take a decision in the matter.

Learned counsel for the appellant submitted that the educational certificate of the appellant in respect of computer education was already examined by the Collector, Sehore as is apparent from the 2 W.A.No.983/2012 W.A.No.984/2012 3.9.2012 perusal of Annexure-P/4 dt.5.11.2005 and only thereafter the appellant was appointed as Patwari,but, again after six years a show-cause notice has been issued that too in continuation to an inquiry which was held behind the back of the appellant.

It was submitted that the appellant be allowed an opportunity to participate in the inquiry and only after extending an opportunity of personal hearing of the appellant respondents may be directed to give effect to the show-cause notice.

Shri P.K.Kaurav, learned Dy.AG appearing for the State has no objection if the appellant is allowed an opportunity of personal hearing in continuation to show-cause notice Annexure-P/13.

In view of the aforesaid, we dispose of this matter in continuation to the order passed by the Single Bench with the clarification that if any adverse action is required against the appellant after receiving the reply to the show-cause notice

Annexure-P/13, the respondent No.4 shall extend an opportunity of hearing to the appellant.

While hearing the appellant in this regard, the respondent No.4 shall look into the matter whether the appellant was possessing the requisite computer qualification at the time of her appointment as Patwari.

With the aforesaid clarification this appeal is finally disposed of with no order as to costs.

As the case of the appellants is identical, we accordingly dispose of these appeals in the light of the directions issued by this Court in Ku.Kshama Bhagat (supra).Aforesaid directions shall be applicable in the present appeals, as far as they are applicable.

No order as to costs.

C.C.as per rules.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) Judge Judge C.

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