

**(2010) 07 AP CK 0010**

**Andhra Pradesh High Court**

**Case No:** Writ Petition No's. 21862, 21868, 22006, 23210, 23271, 24649, 25093, 25415 and 27142 of 2009

K. Laxmanna and Others

APPELLANT

Vs

Government of Andhra Pradesh,  
Agricultural and Cooperation  
(Agri.III), Department and Others

RESPONDENT

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**Date of Decision:** July 14, 2010

**Acts Referred:**

- Constitution of India, 1950 - Article 14, 226

**Citation:** (2011) 1 ALT 452

**Hon'ble Judges:** C.V. Nagarjuna Reddy, J

**Bench:** Single Bench

**Advocate:** S.V. Ramana, for O. Manohar Reddy, for the Appellant; GP for Agriculture, for the Respondent

**Final Decision:** Allowed

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**Judgement**

@JUDGMENTTAG-ORDER

C.V. Nagarjuna Reddy, J.

Since all these Writ Petitions raise common issues of fact and law, they are being heard and disposed of together.

2. In pursuance of a scheme framed by it for successful implementation of Polam Badi (Farmer's Field School), the Government of A.P. envisaged appointment of model farmers styled as "Adarsha Rythus". The Government issued G.O. Rt. No. 284, Agriculture and Cooperation (F.P.II) Department, dated 14-03-2007, fixing the eligibility criteria, selection procedure and guidelines etc., for appointment of the model farmers. By another GO viz., G.O. Rt. No. 500, Agriculture and Cooperation (F.P.II) Department, dated 29-04-2008, the duties and responsibilities of these model farmers have been prescribed. By yet another GO i.e., G.O. Rt. No. 818, Agriculture

and Cooperation (F.P.II) Department, dated 30-06-2008, the age limit of model farmers was altered.

3. It is not in dispute that all the Petitioners herein were subjected to the selection process in terms of the above-mentioned GOs and were accordingly selected as Adarsha Rythus by the District Collectors concerned. It is also not in dispute that in pursuance of the selections made, the Petitioners were imparted training and issued identity cards. As per the conditions laid down in the extant GOs, the Petitioners are being paid Rs. 1,000/- per month as "honorarium". However, by the impugned memos, the Petitioners' services have been terminated on the ground that their performance is rated as poor. It is these memos, which are challenged in these Writ Petitions.

4. Detailed counter-affidavits have been filed in W.P. Nos. 21868, 22006, 23271 and 25415 of 2009.

5. At the hearing, the learned Government Pleader for Agriculture representing the Respondents submitted that the facts in all these Writ Petitions are more or less identical and therefore, the same counter-affidavits may be treated as common counter-affidavits in all the other Writ Petitions as well.

6. The sum and substance of these counter-affidavits is that the reason for terminating the Petitioners' appointments as Adarsha Rythus is that, on evaluation of their performance, it was found that they were graded as poor by the Mandal Agricultural Officers concerned.

7. At the hearing, Sri Taddi Nageswara Rao and Sri S.V. Ramana, learned Counsel appearing for the Petitioners in some of these Writ Petitions, contended that the impugned memos cannot be sustained because they are in violation of the principles of natural justice. The learned Counsel have reinforced the pleas raised by the Petitioners in these Writ Petitions that at no point of time, they were informed about their so-called poor performance and that no opportunity was afforded to them to explain the alleged poor performance on their part. The impugned action of the Respondents, contend the learned Counsel, is therefore liable to be declared as arbitrary and in violation of the principles of natural justice.

8. Opposing the above contentions, the learned Government Pleader for Agriculture, submitted that as the Petitioners' selection and their continuance as Adarsha Rythus was in pursuance of an executive action under a scheme framed by the State Government, which does not have any statutory force, their termination is not amenable for the writ jurisdiction of this Court under Article 226 of the Constitution of India. He has however conceded that the impugned memos are not preceded by a prior notice, while contending that such prior notices are not required to be given to the Petitioners as they do not have any vested right to continue as Adarsha Rythus.

9. I have carefully considered the respective submissions of the learned Counsel for the parties.

10. While it is true that the scheme, under which the Petitioners have been selected and appointed, do not have statutory force, it requires to be noted at the same time that the scheme evolved by the State was intended to serve a public purpose viz., to create awareness in the farmers in order to boost the agricultural activities, and thereby, increase the agricultural production. It cannot, therefore, be gainsaid that the entire activity undertaken by the State and its Officers, in connection with which the services of the Petitioners have been engaged, falls in administrative/executive sphere. Accordingly, any action taken by the Respondents shall be subject to the constitutional and administrative law principles and limitations. If, during the course of such action taken by the Respondents in discharge of these functions, it is found that the Respondents have acted arbitrarily, the aggrieved party is entitled to invoke the public law remedy under Article 226 of the Constitution of India. The Supreme Court in a catena of judgments held that every action of the State must be subject to rule of law, must be informed by reason and whatever be the activity, it should meet the test of Article 14 of the Constitution of India. The State's action must also be fair and free from arbitrariness. As sentinels of justice, the constitutional Courts are entitled to interfere with and strike down arbitrary actions of the State. see [Mrs. Maneka Gandhi Vs. Union of India \(UOI\) and Another](#), [Ramana Dayaram Shetty Vs. International Airport Authority of India and Others](#), [Kasturi Lal Lakshmi Reddy, Represented by its Partner Shri Kasturi Lal, Jammu and Others Vs. State of Jammu and Kashmir and Another](#), [Dwarkadas Marfatia and Sons Vs. Board of Trustees of the Port of Bombay](#), [Mahabir Auto Stores and others Vs. Indian Oil Corporation and others](#), and [Kumari Shrilekha Vidyarthi and Others Vs. State of U.P. and Others](#), Therefore, I have no hesitation to hold that having regard to the nature of the activity undertaken by the Respondents and the services of the Petitioners utilised by them in connection with such activity, the Petitioners are entitled to invoke the jurisdiction of this Court.

11. With regard to the contention of the learned Government Pleader for Agriculture that the Respondents are not obligated to follow the principles of natural justice, I do not find any merit in this submission. By selecting the Petitioners and utilizing their services as Adarsha Rythus by paying a sum of Rs. 1,000/- per month as "honorarium", an interest is created in them. By the impugned action of the Respondents, the Petitioners are sought to be discontinued. Therefore, the impugned action is undoubtedly resulting in causing adverse civil consequences to the Petitioners. As held by the Apex Court in [State of Orissa Vs. Dr. \(Miss\) Binapani Dei and Others](#), [A.K. Kraipak and Others Vs. Union of India \(UOI\) and Others](#), [A.K. Kraipak and Others Vs. Union of India \(UOI\) and Others](#), the State and its Officers are bound to follow the principles of natural justice by issuing a notice to the persons, who are likely to be adversely affected by the proposed action. In my opinion, such a procedure is bound to be followed even in the absence of

appointment to a regular cadre. Merely because the Petitioners are not borne on a regular cadre, the Respondents are not absolved of their responsibility to issue notice because the duty to act fairly is always cast on them when they have been acting in public law field. In this view of the matter, having regard to the admitted fact that the Respondents have failed to put the Petitioners on notice on their so-called poor performance before terminating their services as Adarsha Rythus, the impugned memos cannot be sustained in law.

12. One more reason for this Court to disapprove the action of the Respondents is that the Petitioners are sought to be condemned by terming their performance as poor and thereby casting a stigma on them. Such an action on the part of the Respondents, without giving an opportunity of hearing to the Petitioners, is contrary to the doctrine of fairness and is in violation of the principles of natural justice. The law is well settled that nobody shall be condemned unheard. On this count also, the impugned memos cannot be sustained and they are accordingly set aside. The Respondents are directed to continue the Petitioners till such time as a proper opportunity of being heard is given to them by way of notices. After considering the explanations, if any, filed by the Petitioners, the Respondents shall be free to pass appropriate orders.

13. Subject to the above observations, the Writ Petitions are allowed.