

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P.No.14472 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01	15.05.2026	<u>GTK,J</u> Heard Mr.V.Sai Kumar, learned counsel for the petitioner and Mr. R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I. The ambit of the order passed by the Superintendent, Government General Hospital, Nellore, vide Rc.No.Spl/GGH/Nlr/26, dated 01.05.2026, terminating the services of the petitioner, is under challenge. The petitioner challenges the said order on the ground that it has been passed without jurisdiction, without application of mind, and at the dictation of the Collector. The very first paragraph of the impugned termination order reads as follows: <i>“As per the instructions of the Collector & District Magistrate, Nellore, the services of Sri Sudheer, Post Mortem Attendant, GGH, Nellore, are hereby terminated with immediate effect”.</i> The said paragraph indicates that the Superintendent, Government General Hospital, Nellore, has acted solely in adherence to the	

		instructions and dictation of the Collector and District Magistrate, Nellore, while terminating the services of the petitioner, which reflects clear non-application of mind. It is well settled that any order passed by an authority must be based on independent application of mind and not merely on the dictation of higher authorities, as held by the Hon'ble Supreme Court reported in 2014 (3) SCC 502, wherein it was held that "<i>reasons and bona fide exercise of power are essential at the time of exercise thereof – Government must defend its action on the basis of the order that it has passed, and it cannot improve its stand by filing subsequent affidavits</i>". Refuting the said submissions, the learned Assistant Government Pleader sought time to obtain instructions. However, this Court <i>prima facie</i> finds that the impugned order is vitiated by illegality and is in gross violation of the principles of natural justice. Having regard to the law laid down by the Hon'ble Supreme Court, this Court is satisfied that the termination order issued by the Superintendent, Government General Hospital, Nellore, is crippled with illegality and arbitrariness. Accordingly, for the reasons stated above, the impugned order issued by the Superintendent, Government General Hospital,	
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		Nellore, dated 01.05.2026, is hereby suspended. Respondent No.3/Superintendent, Government General Hospital, Nellore, is directed to continue the petitioner in service as Postmortem Attendant in Government General Hospital, Nellore. List the matter after Summer Vacation, 2026. GTK, J LSP/SSA	
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