

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3109 OF 2015

Date: 01.04.2015

Between:-

G. Anjanamma, W/o. Pedda Venkatesh,
Talapur Village, Atmakur Mandal,
Anantapur District.

... Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Primary Education Department,
Secretariat, Hyderabad and others

... Respondents

This Court made the following:-

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ORDER:

The petitioner states that she was appointed as a Mid-day- Meal Operator for Z.P.H School, Talupur Village, Atmakur Mandal, Anantapur District, and working as

such for more than seven years. While so, the fourth respondent passed the impugned the order dated 14.07.2014 terminating the petitioner on the basis of allegations received against her and appointing a new Mid-day-Meal Operator in her place. Questioning the same, the petitioner filed this Writ Petition primarily on the ground that no notice or opportunity of hearing was given to her. However, the petitioner has not made the Agency, which is appointed in her place, as a party to this writ petition.

The subject matter of this Writ Petition is squarely covered by the decision of this Court in W.P.No.9800 of 2013 and batch, dated 13.12.2014, regarding which there is no controversy among the learned counsel on either side.

Hence, the fourth respondent – Tahsildar, Atmakur Mandal, Anantapur District, shall reconsider the matter after hearing the Agency, which is appointed in the place of the petitioner, and the Writ Petition is disposed of with the following directions:

1. The State Government shall take immediate steps to issue appropriate rules/guidelines with respect to the implementation of the decisions of the review committees, at all levels, including for replacement of an existing agency by a new implementing agency.
2. Till the Government frames appropriate rules/guidelines, as directed above, all the respondent authorities, at all levels, shall follow the directions as under:
 - c. Wherever the concerned review committee notices deficiency in the functioning of the existing implementing agency, the concerned review committee shall communicate its views and suggestions to the respective committees entrusted with selection of an implementing agency.
 - a. On receipt of recommendations of the review committee, the respective committees, entrusted with selection of an implementing agency, shall notify such deficient implementing agency and consider the explanation of such deficient implementing agency in its meeting and

shall take appropriate decision either to continue the implementing agency by giving opportunity to rectify the deficiencies or to replace the existing agency by a new agency.

- b. If a decision is taken to replace the existing agency, the same procedure as envisaged in clause (6) of the guidelines shall be followed for selecting a new implementing agency to replace the existing agency.
- c. In all such cases where the existing implementing agency is replaced by a new agency, such aggrieved implementing agency shall be entitled to seek reconsideration of such decision before the Nodal Officer in terms of the guidelines and the decision of the Nodal Officer shall be final and binding on all the parties.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Date: 01.04.2015

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