

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 5792 of 2015

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Date of Judgment: 18.3.2015

Between:

Athuri Laxmamma

...Petitioner

And

State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 5792 of 2015

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ORDER:

Heard learned counsel for the parties

The petitioner who is a mid day meal operator was suspended by the impugned proceedings dated 28.8.2014 of the 2nd respondent. It is alleged that no further proceedings are held nor any enquiry is conducted and the suspension against the petitioners continues indefinitely. Based on the said suspension order, a consequential order was passed by the 2nd respondent

on 16.9.2014.

It is submitted by the learned counsel for the parties that the issue involved in this writ petition is covered by judgment of this Court dated 30.12.2014 in W.P.No. 9800 of 2013 which was disposed of with the following directions,

“15. Till the State Government takes appropriate steps, as above, it is necessary to issue certain directions as enumerated hereunder to be implemented by the respondent authorities.

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:
 - a) 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.

- b) 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.
- c) 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.
- d) 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.

3. In all these cases, as stated above, this Court has already passed interim orders and wherever the existing implementing agencies are continued in terms of the said interim order, they shall continue to operate the mid-day meal programme. However, the respondents shall be free to take appropriate further action in terms of the directions hereinabove.
4. In all these cases, wherever a new agency is appointed to replace existing agency, the grievance of the new agency shall be considered by the respective committees, which are entrusted with selection of implementing agency, who shall, thereafter, follow the procedure prescribed hereinabove and after hearing the existing implementing agency, take appropriate decision in the matter relating to the continuation or otherwise of the existing implementing agency.”

Hence this writ petition is disposed of in terms of the aforesaid directions and the respondent-competent authority shall conduct appropriate enquiry expeditiously and take appropriate decision in the matter without further

loss of time by modifying the suspension of the petitioner and permitting her to continue as mid day meal operator subject to the enquiry as directed above.

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

VILAS V. AFZULPURKAR, J

Dt. 18.3.2015
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