

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.35975 of 2014

BETWEEN

Banoth Bujji.

... PETITIONER

AND

The State of Telangana, Rep. by Principal Secretary for School Education,
Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. T.G. PRASAD REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION (TG)

The Court made the following:

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ORDER:

Petitioner herein claims that she is working as mid-day meal operator since 2002 in respondent No.5 school. Petitioner's grievance in this writ petition is that at the instance of the Sarpanch,

the petitioner is discontinued and one group within the Dhanalakshmi Samikhya Sangam is appointed as mid-day meal operator since 09.09.2014. Petitioner filed two representations dated 12.09.2014 and 01.11.2014, which remained unpaid by respondents 4 and 5.

Hence, the present writ petition is filed.

2. Counter affidavit filed by respondent No.4 herein state that the petitioner was operating the said programme as member of Women Savings Group of Mangoligudem village. Respondent No.4 states that he has taken charge as Mandal Educational Officer on 26.10.2014 and after receiving representations from the petitioner dated 01.11.2014, he visited the school on 11.11.2014 and gave appropriate instructions to the Headmaster of the school not to make any change in the implementation of the mid-day meal operator without taking the decision of the Mandal Level Committee. Respondent No.4 also states that, however, at the instance of the Sarpanch, the petitioner is removed and one Dhanalakshmi Agency is implementing the programme since 09.09.2014.

3. Petitioner has filed a reply affidavit and relies upon the guidelines issued by the District Education Officer in pursuance of G.O.Ms.No.21 dated 10.03.2011.

4. The very same issue was considered and directions, as under, were issued by this Court in WP.No.9800 of 2013 and batch dated 30.12.2014.

“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.

The writ petitions are accordingly 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:

- 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.”

5. The present case also falls in the same category and the competent authority shall hear the petitioner as well as Dhanalakshmi Agency and after examining the matter, take an appropriate decision in terms of the directions, as extracted hereinabove, within a period of four (4) weeks from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 11, 2015

Note: Furnish C.C. of the order in two days.

(**B/o**) DSK