

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.37449 of 2014

BETWEEN

Pushamma.

... PETITIONER

AND

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

...RESPONDENTS

Counsel for the Petitioner: MR. P. PRAVEEN KUMAR

Counsel for the Respondents: GP FOR EDUCATION (TG)

The Court made the following:

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ORDER:

Petitioner is a mid-day meal operator and claims that she is

continuing as such since 2002. It is stated that on 12.06.2014 another self-help group came to respondent school and created a scene in the school premises and thereby, on account of the said disturbance created by other self-help group, the school management is preparing the food. Petitioner, therefore, states that she has been disallowed to prepare the food though no order of termination is issued against her.

2. Counter affidavit, filed by the head master of respondent No.5 school, refers to the dispute between the petitioner and another self-help group and states that to avoid unholy atmosphere, the Mandal Education Officer has directed the other group to resolve their dispute and consequently, the school management committee is only preparing the food. It is also stated that as per the direction of the Revenue Divisional Officer, Mandal Education Officer and Mandal Revenue Officer conducted a Grama Sabha wherein also all the groups created a scene and not allowed the Grama Sabha to be conducted.

3. It is evident from the above that there is internal dispute between the petitioner and other groups resulting in discontinuation of the petitioner, though no order of removal of petitioner is passed. Since the petitioner is stated to be operating since 2002 till 12.06.2014, it is necessary that an appropriate enquiry is conducted in the matter by the competent authority in terms of the directions already issued by this Court in WP.No.9800 of 2013 and batch dated 30.12.2014 as extracted below.

“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.”

The writ petition is disposed of directing the respondents to follow the directions, as above and conduct an appropriate enquiry after notice to the

petitioner and other agency and take appropriate decision in the matter expeditiously, preferably, within a period of four (4) weeks from the date of receipt of a copy of this order.

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