

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.27527 of 2014

BETWEEN

Pragathi Swasakthi Sangam and others.

... PETITIONERS

AND

The Government of Telangana, Rep. by its Secretary, School Education
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR. K. BUCHI BABU

**Counsel for the Respondents: GP FOR EDUCATION
GP FOR REVENUE**

The Court made the following:

-
-

ORDER:

Petitioner-sangams were appointed as mid-day meal operators vide
proceedings of third respondent bearing No.A/10547/07 dated 31.10.2007 to

implement the mid-day meal programme for classes 6 to 8 in the fifth respondent school.

2. Petitioners allege that while they have been continuously working since 2007, they were obstructed in working as such by some third parties and without any orders, being passed, terminating the petitioners, the third respondent has permitted the School Management Committee to cook the food for implementation of the programme thereby depriving the petitioners of their entitlement to work the said programme.

3. Counter affidavit is filed by the fourth respondent - Mandal Education Officer on behalf of respondents 1 to 4. The fourth respondent confirms that the petitioners have been working since 13.10.2008 in terms of the order of the third respondent dated 31.10.2007. It is also states that because of rivalry between different groups, members of other groups are creating problem and not permitting the petitioners to cook the food and thereby, on account of continuous disturbance from several sangams, they have stopped the petitioners from cooking food. Ultimately, the third respondent directed the School Management Committee to cook food to the students from 01.09.2014 onwards. It is specifically stated that other self-help groups are creating unholy atmosphere and to avoid inconvenience to students, the School Management Committee is operating the mid-day meal programme.

4. Evidently, there is no proceeding or order discontinuing the petitioners nor there is anything alleged against the petitioners. Admittedly, since the petitioners have been working from 2008, there is no reason as to why the petitioners are disallowed and the School Management Committee is permitted to cook the food from 01.09.2014. In terms of G.O.Ms.No.94 Education (SE-PROG-I) Department dated 25.11.2002, it is the responsibility of the third respondent to ensure that the mid-day meal operator is permitted to operate the programme and to ensure that there is no obstruction or disturbance. In the present case, it is evident that the third respondent has

not taken any steps to prevent the obstruction to the petitioners and on the contrary, has also contributed to the discontinuance of the petitioners without there being any orders. Hence, the said action of the third respondent cannot be approved.

5. However, this Court has already considered the similar issue in WP.No.9800 of 2013 and batch dated 20.12.2014 and issued directions as under:

“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.”

6. Hence, the third respondent shall hereafter act in terms of the aforesaid directions and as long as the appointment of the petitioners is not otherwise affected by any proceedings, the third respondent shall ensure that the petitioners operate the mid-day meal programme by ensuring appropriate protection.

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 25, 2015
DSK