

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

W.P. NO. 40455 of 2014

-

Date of Judgment: 13.4.2015

Between:

Remalla Emelamma

...Petitioner

And

The Government of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

W.P. NO. 40455 of 2014

-

ORDER:

The petitioner states that she was appointed as Mid-day Meal Operator for an elementary school at Orvakallu village, Atchampet Mandal, Guntur district in 2002 and she has been continuing as such. It is stated that the respondents were orally not allowing the petitioner to provide mid day meal to the students from first week of December, 2014. Hence the present writ petition is filed on the ground that without any complaint and without any notice, the respondents cannot discontinue the petitioner as a mid-day meal operator.

Heard learned counsel for the parties who have submitted that the issue involved in this writ petition is covered by a judgment of this Court dated 13.12.2014 in W.P.No. 9800 of 2013 and batch.

Hence following the aforesaid judgment, this 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:
 - 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.

Since the petitioner states that she is continuing as a mid-day operator as on today, the respondents shall follow the aforesaid directions before taking any further action against the petitioner.

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

VILAS V. AFZULPURKAR, J

Dt. 13.4.2015

KR