

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

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3631 of 2015

BETWEEN

Pamidipamula Suvartha.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, School Education
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: GP FOR EDUCATION (AP)

The Court made the following:

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ORDER:

Heard both sides.

2. Petitioner, in this writ petition, complains that without passing any orders she is not allowed to work as mid-day meal operator since December 2012 and though she has been working as such from 2002 onwards, respondent No.5 has unlawfully discontinued her with a view to accommodate respondent No.6.

3. The relief sought for in this writ petition is squarely covered by the decision of this Court in WP.No.9800 of 2013 dated 30.12.2014. Hence, the writ petition is disposed of reiterating para 15 of the decision in WP.No.9800 of 2013, 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.

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.”

In the light of the directions aforesaid, respondents 4 and 5 shall take appropriate steps and pass appropriate order after giving notice and opportunity of hearing to respondent No.6. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 27, 2015

Note: Office to attach a copy of the order in

WP.No.9800 of 2013 dated 30.12.2014 along with this order.

(B/o) DSK