

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 4609 of 2015

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Date of Judgment: 13.3.2015

Between:

K. Srilatha Reddy

...Petitioner

And

The District Collector, Kurnool and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 4609 of 2015

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ORDER:

The petitioner herein is a mid-day meal operator and according to her, she was providing food to students of Mandal Parishad Elementary School and Zilla Parishad High School, Kothapet, Dhone Town, Kurnool district for the last five years. It is stated that the petitioner was also given a satisfaction certificate by the Head Master of the school on 2.1.2015 and in spite of that, the fourth respondent herein is stated to have dispensed with her services under the impugned order dated 31.1.2015. The said order is questioned in this writ petition on the ground that no enquiry was conducted and no opportunity was given to her to

submit her explanation.

Heard learned counsel for the parties who have submitted that the subject matter is covered by the judgment of this Court dated 30.12.2014 in W.P.No. 9800 of 2013 which was disposed of with the following directions,

“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.”

Hence this writ petition is allowed in terms of the aforesaid directions and the competent authority shall hear the petitioner and other parties concerned and take appropriate decision in the matter in terms of the aforesaid directions within four weeks from the date of receipt of a copy of this order. Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 13.3.2015
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