

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3098 OF 2015

Date: 01.04.2015

Between:-

B. Anusuyamma, W/o. Rangana Goud,
O.C. Colony, Chelimepalli Village,
Brahmasamudram Mandal,
Anantapur District.

... Petitioner

And

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

... Respondents

This Court made the following:-

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ORDER:

The petitioner states that she was appointed as a Mid-day- Meal Operator for

M.P.U.P School, Chelimepalli Village, Brahmasamudram Mandal, Anantapur District, and working as such for more than 10 years. While so, the fourth respondent passed the impugned the order dated 15.07.2014 terminating the petitioner on the basis of allegations received against her and appointing the sixth respondent in her place. Questioning the same, the petitioner filed this Writ Petition primarily on the ground that no notice or opportunity of hearing was given to her.

The subject matter of this Writ Petition is squarely covered by the decision of this Court in W.P.No.9800 of 2013 and batch, dated 13.12.2014, regarding which there is no controversy among the learned counsel on either side.

Hence, the impugned order is set aside and the 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:
 - c. 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.
 - a. 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.

- b. 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.
- c. 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. Since the sixth respondent is appointed as a new agency replacing the existing agency, the grievance of the sixth respondent shall be considered by the committee, which is 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.

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

VILAS V. AFZULPURKAR, J

Date: 01.04.2015

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