

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO.21013 OF 2015

ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to declare the action of the respondents in not continuing the petitioners as Cooks-cum-Implementing Agency of Mid Day Meals Scheme at Z.P. High School, Gonegandla, Kurnool District as per the appointment orders issued vide Proceedings Rc.No.15/C/MDM/ 2008-09, dated 01.10.2009 and even without issuing any notice or opportunity to the petitioners as highly illegal, arbitrary and consequentially, this Hon'ble Court may be pleased to declare that the petitioners herein are entitled to continue as Cooks-cum- Implementing Agency of Mid Day Meals Scheme at Z.P.High School, Gonegandla, Kurnool District and pass such other order or orders may deem fit and proper in the circumstances of the case”.

It is brought to the notice of this Court that in identical set of circumstances this court in W.P.No.9800 of 2013 and batch, passed an order on 30.12.2014 and the copy of the same is also placed on record.

In view of the above and for the reasons recorded in the above mentioned order, 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:

- a) Whether 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 herein above.
 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.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V. SESA SAI, J.

Dt.20.07.2015.

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