

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

Writ Petition No.16100 of 2015

ORDER:

Heard Sri V.V. Satish, learned counsel for the petitioners and the learned Government Pleader for Education for the respondents.

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

“..... to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 5th respondent in obstructing the petitioners from discharging their duties as implementing agency of Mid-Day Meals Scheme without following due process of law, as illegal and arbitrary and to consequently direct the respondents not to interrupt the petitioners services in 5th respondent school under Mid-Day Meal Scheme and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The grievance of the petitioners in the present writ petition is that the fifth respondent is obstructing them from discharging their duties as implementing agency under Mid-day Meal Scheme without following due process of law.

A counter affidavit is filed by the fifth respondent-Head Master of Zilla Parishad High School, Karakayalagudem Village, Huzurnagar Mandal, Nalgonda District and relevant paragraph Nos. 4 & 5 of the said counter affidavit read thus:

“4. It is submitted that as alleged by the petitioners or other members of the selected cooking agency from discharging their duties as Mid-Day Meals implementing agency. In fact, the member of the selected agency made an internal arrangement to cook food on rotation basis. As such the other members of the selected agency are preparing the food. Therefore, contention of the petitioners that the 5th respondent has been trying to induct people of his choice as implementing agency is utterly false and petitioners are put to strict proof of the allegation made in paragraph-3.

5. It is submitted that the said M/s. Sahani Samabavana Sangam is cooking food for implementation of the Mid-Day Meals Scheme in the 5th respondent's School. Hence, the averments of the petitioners herein that the said Sangam members are not true and correct and the petitioner's allegation is denied and the said Sangam is not removed by the respondent Nos.1 to 5."

On noticing the said averments made in the counter affidavit of the fifth respondent, the learned counsel for the petitioners submits that the writ petition may be disposed of by recording the said averments made in the counter affidavit.

In view of the above, the writ petition is disposed of by recording the above-mentioned averments made in the counter affidavit of the fifth respondent herein. However, there shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

A.V. SESA SAI, J

Date: 30.06.2015

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