

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40764 OF 2015

ORDER

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the 2nd respondent in taking action on the representation of the petitioners dated 02-11-2015 against the proceedings of the 6th respondent vide Resolution dated 05-07-2015 wherein 6th respondent, who is having no authority, removed the petitioners as Cooks cum Helpers without issuing any notice and conducting any enquiry by duly giving an opportunity to them as illegal, arbitrary and unjust and against the principles of natural justice and contrary to the directions of this Hon'ble Court given in W.P.No.9800 of 2013 and batch, dated 30-12-2014 and consequently, direct the 2nd respondent to act in accordance with law by considering the representation dated 02-11-2015 submitted by the petitioners and to dispose of the same and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

The petitioners claim to have been appointed as an agency for providing midday meals at the Zilla Parishad High School, Gajara Village. It is their grievance that their services have been terminated without notice or enquiry and contrary to the directions of this Court in the order dated 30.12.2014 passed in W.P.No.9800 of 2013 and batch. Their representation in this regard made on 02.11.2015 to the District Collector, Mahabubnagar, is pending consideration.

It is relevant to note that this Court, by its order dated 30.12.2014 passed in a batch of cases, laid down the procedural steps that were to be adhered to by the authorities in the context of removal or replacement of midday meals scheme agencies.

However, as the petitioners' representation is pending consideration before the District Collector, Mahabubnagar, the second respondent, the writ petition is disposed of directing the second

respondent to consider the petitioners' representation in the light of the directions given by this Court in the earlier litigation and take appropriate action in the matter in accordance with law. An opportunity of hearing shall be afforded to the petitioners and all others who may be affected thereby before the second respondent takes a decision in the matter. This exercise shall be completed expeditiously.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

18th JANUARY, 2016
PGS