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

W.P.No.24896 of 2011

ORDER:

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

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, to declare the impugned order passed by the 1st respondent vide Procs. Rc.No.99/MRC/2011 dated 01.08.2011 appointing the 3rd respondent herein as cooking agency at ZPPSS, Thallapusapally Village, Kesamudram mandal, Warangal District, without issuing any notice to the petitioner herein and without following the due process of law, as being illegal and arbitrary and consequently set aside the same in so far as Sl.No.1 of the impugned order is concerned.”

2. When the matter is called, it is represented by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the orders of this Court dated 30.12.2014 in W.P.No.9800 of 2013 and batch and a copy of the same is placed on record. By way of the said order, this Court disposed of the above said batch of writ petitions and the operative portion of the said order reads as under:

“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.

Since the writ petitions are disposed of, as above, the contempt case, C.C.No.1336 of 2014, stands dismissed. As a sequel, the vacate stay petitions and the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs."

3. Following the above said order dated 30.12.2014 in W.P.No.9800 of 2013 and batch and for the reasons recorded therein, this writ petition also stands disposed in terms thereof. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V. SETHA SAI, J

Date:04.7.2016

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Note:

Office to annex copy of the order dated 30.12.2014 in W.P.No.9800 of 2013 and batch.

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

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Dated 04th July, 2016

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