

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.8776 of 2007

ORDER:

This writ petition is filed under Article 226 of Constitution of India challenging proposed disengaging of service of petitioner as Cook/implementing agencies of Mid-day Meals Programme in Narayanapur Primary School, Narayanapur village, Sulthanabad Mandal, Karimnagar District, without any notice and without affording an opportunity of being heard as bad, illegal, arbitrary, unjust and against the principles of natural justice and consequently to direct the respondents to continue the petitioner as Cook/implementing agencies of Mid-day Meals Programme in Narayanapur Primary School, Narayanapur village, Sulthanabad Mandal, Karimnagar District.

It is the case of the petitioner that services of the petitioner were engaged as Cook/implementing agencies of Mid-day Meals Programme in Narayanapur Primary School on payment of Rs.1.25 paise per day/per student, for a mid-day meal consisting of 300 calories, 8-12 grams of proteins, out of the said amount, Rs.1.00 was allotted for the essential commodities and only Rs.0.25 paise was allotted for implementing agencies for their service.

It is also her further case that respondent authorities have appointed or engaged the petitioner as a Cook on 3-12-2006, since then she has been continuing to discharge her duties as Cook and discharging her duties without any complaints whatsoever from the

respondents authorities or the villagers as well as implementing agencies of Mid-day Meals programme and the said programme is under the supervision of Varalakshmi Grama Ikya Sangam and that the said Sangam has passed unanimous resolution on 6-11-2006 requesting the respondent authorities to appoint the petitioner who is one of the members of the above Sangam as cook in the Narayanapur School.

It is her further case that on 8-11-2006, the Mandal Parishad Development Officer addressed a letter to the 4th respondent/Tahsildar requesting him to appoint the petitioner as Cook and in pursuance of the same, 4th respondent appointed her as Cook on 3-12-2006 and since then she has been continuing in the service and that the 4th respondent submitted a report to the 2nd respondent vide proceedings dated 12-4-2007 that petitioner is continuing in service as cook in Narayanapur School since 3-12-2006.

It is her further case that the Mandal Provincial Territorial Constituencies (MPTCs) Sarpanch of Narayanapur Grampanchayat is making serious efforts to change the petitioner with an intention to appoint their own kith and kin and in that process, for no fault of the existing cooks, the above persons are pressurizing the respondents to discontinue the services of petitioner as cook and that in such a situation, petitioner herein is apprehending danger to her service at the hands of respondents and hence, she approached the respondent

authorities and requested them to protect her interest and continue her as cook of the Mid-day meals Programme and therefore, apprehending her removal from the service as Cook, she approached this court for appropriate relief.

3rd respondent filed counter denying the material allegations admitting engaging services of petitioner as Cook/implementing agencies of Mid-day Meals Programme in Narayanapur Primary School, Narayanapur village, Sulthanabad Mandal, Karimnagar District, and made certain allegations about irregularities committed by the petitioner. Further at page No.6 of the counter, respondents admitted that the petitioner is still continuing as cook and neither M.P.T.Cs. nor Sarpanch and respondents have taken any action for removing her and that petitioner has filed this case on mere apprehension and prayed for dismissal of the petition.

Heard and perused the material available on record.

During hearing, learned counsel for the petitioner contended that in terms of interim order granted by this court, she is continuing as Cook/implementing agencies of Mid-day Meals Programme on the same terms and conditions and she is continuing in the said programme as cook and requested to make the interim order absolute by allowing the writ petition.

Whereas Assistant Government Pleader for Education Telangana reported no objection across the Bench and made an endorsement on the Writ Petition and even in the counter also, respondents admitted

at page No.6 of the counter that they are not going to take any action against petitioner and the petitioner approached this court on mere apprehension that the respondents may initiate action for her removal but as on today she is continuing in pursuance of interim order passed by this court as Cook on the same terms and conditions and her services are being engaged continuously.

In view of admission in the counter that respondents are not going to terminate the petitioner at the instance of sarpanch etc., petitioner shall be continued as Cook till she is terminated by following due process of law.

Hence, this Writ Petition is allowed directing the respondent authorities to engage the services of the petitioner as Cook/implementing agencies of Mid-day Meals Programme in Narayanapur Primary School, Narayanapur village, Sulthanabad Mandal, Karimnagar District, till her services are disengaged by following due process of law. No costs.

As a sequel to the disposal of this revision, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 14-10-2016.

Dvs.

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Dvs