

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.8073 of 2015

24.11.2016

Between:

Boina Manamma and others

..Petitioners

And

The State of Telangana,  
represented by its Principal Secretary,  
Education Department, Hyderabad and others

..Respondents

Counsel for the petitioners: Mr.Namavarapu Rajeshwara Rao

Counsel for respondent Nos.1 to 4 and 8: Government Pleader for  
School Education (TS)

Counsel for respondent Nos.10, 12 and 13: Dr.Venkat Reddy Donthi Reddy

Counsel for respondent No.11: Mr.E.Poornachander Rao

Counsel for respondent Nos.5 and 7: Government Pleader for Revenue (TS)

Counsel for respondent No.6: Government Pleader for Panchayat Raj (TS)

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioners in this writ petition, who are also the petitioners in Pre Litigation Case Nos.70 and 71 of 2014, filed this writ petition feeling aggrieved by the docket orders, dated 24.01.2015, passed by the Chairman, Mandal Legal Services Committee, Mahabubabad– respondent No.14, whereby he has directed continuance of respondent Nos.10 to 13 as Cooks under the Mid Day Meal Scheme till the enquiry against the petitioners is completed.

2. The main ground on which the petitioners question the impugned orders is that in the absence of an agreement reached between the contesting parties, respondent No.14 is denuded of the jurisdiction to issue unilateral directions under the Legal Services Authorities Act, 1987.

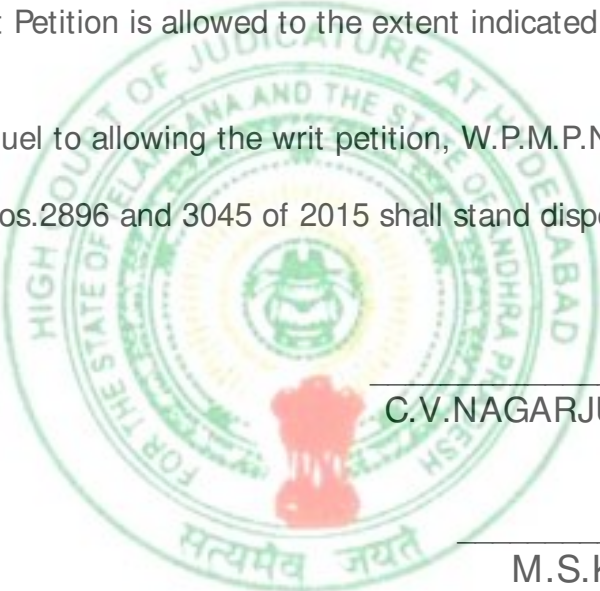
3. Dr.Venkat Reddy Donthi Reddy, learned counsel for respondent Nos.10, 12 and 13 and Mr.E.Poornachander Rao, learned counsel for respondent No.11, did not dispute the aforementioned plea raised by the petitioners that respondent No.14 can dispose of the pre litigation cases only on agreement between the parties and that no such agreement is arrived at in the present pre litigation cases.

4. Inasmuch as respondent No.14 cannot issue directions unless both parties to the dispute agree for issuance of such directions, the impugned orders, dated 24.01.2015, in Pre Litigation Case Nos.70 and 71 of 2014, cannot be sustained and the same are, accordingly, set aside. However, respondent Nos.3 to 5, who are stated to be the members of the committee competent to decide as to who among the petitioners and respondent Nos.10 to 13 are entitled to continue as Cooks under the Mid Day Meal Scheme, interests of justice would be met if the committee

holds an enquiry, takes decision and communicates the same to both the parties. Accordingly, respondent Nos.3 to 5 are directed to hold enquiry after notice to the petitioners and respondent Nos.10 to 13, take an appropriate decision as to who between the two parties are entitled to continue as Cooks under the Mid Day Meal Scheme and communicate the same to both the parties within a period of two months from the date of receipt of a copy of this order. Till this process is completed, the petitioners shall be continued as the Cooks under the Mid Day Meal Scheme.

5. The Writ Petition is allowed to the extent indicated above.

6. As a sequel to allowing the writ petition, W.P.M.P.No.10645 of 2015 and W.V.M.P.Nos.2896 and 3045 of 2015 shall stand disposed of.



C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

24<sup>th</sup> November, 2016  
GHN