

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.NO.15869 OF 2013

ORDER

Heard Mr. M.S.P.Kamaraju, learned counsel for the petitioner.

Petitioner challenges order dated 23.04.2013 in R.C.No.F27/Mandal Committee/2013 of Mandal Educational Officer, Porumamilla Mandal, Kadapa District discontinuing or stopping the services of petitioner as cook, as illegal and violative of principles of natural justice.

The learned counsel for petitioner has made best efforts at his command to persuade this Court on the illegality bristled in the order impugned in the writ petition. This Court after perusing the record has no option, but to dismiss the writ petition for reference made in the impugned order and proves the contention unsustainable.

The circumstances relevant for the disposal of writ petition are as follows:

The petitioner claims to be working as cook for preparing the midday meal served to the students in Zilla Parishath High School, Kavalakuntla, Kadapa District. But the affidavit refers to the alleged engagement of petitioner as an agency in the year 2008. The petitioner could not place documentary proof in support of actual engagement.

It is necessary to remark at this stage of the narration that in spite of this allegation, no proceeding or order, is placed by the petitioner.

To the query of the Court whether the appointment of petitioner as Agent to cook the midday meal is under an order passed by the Mandal Development Officer, the learned counsel fairly states 'no'.

Now the case of the petitioner is that the remuneration paid to the petitioner was at the rate of Rs.1,500/- for fifty students. Petitioner claims to have even extending the services of her husband, mother-in-law etc. in discharging the duty of a cook.

While matter stood thus, the 3rd respondent terminated the services of petitioner forthwith. The order reads thus:

“PROCEEDINGS OF THE MANDAL EDUCATIONAL OFFICER,
PORUMAMILLA MANDAL.

R.C.No.F27/Mandal Committee/2013

Date:23.04.2013

Sub: Midday Meals Scheme – ZP High School, Kavalakuntla –
Removal of Midday Meals Cooking Agency – Reg.

Ref: 1. Resolution of Mandal Midday Meals Scheme Committee.
2. Representations of Students.
3. Prior notice issued to the Midday Meals Cooking Agency.

In the reference No.1 cited above, Midday Meals Cooking Agency of ZP High School Kavalakuntla, Porumamilla Mandal, the performance has been evaluated and it is resolved that the manner of cooking by C.Venkatalakshamma, the agency is not appropriate and that it is further decided that 23.04.2013 shall be the last day of the discharge of her duties as the Cooking Agency and she is hereby terminated from her responsibilities.

Sd/- (23-4-2013)
N.Sunitha,
Mandal Educational Officer,
Porumamilla.”

Now the challenge to the order of termination is two fold, *firstly* that the allegation against the petitioner is too trivial and *secondly*, the minimum requirement of adhering to principles of natural justice is not followed by respondent and, therefore, the order is liable to be set aside.

I have perused the proceedings dated 23.04.2013 and take note of the references adverted to in the said proceedings. *Prima facie* it appears that the 3rd respondent after taking note of the resolution passed by the Midday Meals Scheme Committee, representation from the students and prior notice issued to the Midday Meals Cooking Agency, the services of the petitioner as cook, have been terminated.

The petitioner to complain against either principles of natural justice or has to show that the claim is referable to a right or clause in the order of appointment. In the absence of either of these two requirements, this Court is of the view that petitioner does not have an enforceable right vis-à-vis to cook midday meals in the School. The petitioner merely refers to general principles, but has not enclosed order of appointment or Government Orders, if any, on the service conditions of cooks appointed for implementing midday meal scheme in the Schools.

I am satisfied that no case is made out for interference with the proceedings impugned in the writ petition.

Writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

S.V.BHATT,J

DATE:25—04—2017
AVS