

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 5117 of 2005

ORDER:

- 1) No representation on behalf of the petitioner. Heard learned Government Pleader for Education.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the minutes and resolution dated 04.02.2005 passed by the second respondent and the consequential directions of the third respondent dated 07.02.2005, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondent to continue the petitioner as cooking agent to the Mandal Praja Primary School, Ananthasagaram, Kandukur Mandal, Prakasham District.
- 3) The averments in the affidavit filed in support of the writ petition would show that the petitioner was working as animator of Dwakra group run in the name of NTR at Ananthasagaram Village and she was appointed as cooking agent for the Mandal Praja Parishad School in the year 2003 for implementation of mid day meals scheme. Since then she has been providing food to the students of the school, as per the menu issued by the fourth respondent. She is discharging her duties and none of the students or their parents, nor the staff of the school made any complaint against the petitioner at any point of time. On

08.12.2004 the President of Mandal Parishad, visited the school and found that all the students were fully satisfied with the food provided by the petitioner, but the petitioner complained that the dealer is not regularly supplying the rice to the school. On 12.02.2005, the petitioner made a representation to the second respondent about the non-supply of rice by the dealer to the school, who in turn forwarded the same to the third respondent. It is said that though the dealer has not supplied the rice to the school, the petitioner arranged the food continuously to the students by borrowing rice with the help of the Sarpanch. While things stood thus, a notice dated 03.07.2004 was issued by the second respondent, basing on the complaint received from the elders of the village, stating that the petitioner is not supplying food properly. An explanation was submitted to the second respondent, but without considering the same, the committee had passed a resolution dated 04.02.2005 appointing the ninth respondent in the place of the petitioner. Challenging the same, the present writ petition came to be filed.

4) A counter came to be filed by the Mandal Education Officer-fifth respondent, disputing the averments made in the affidavit filed in support of the writ petition. It is stated in the counter that the enquiries made by the M.R.P. and Mandal Revenue Officer, Kandukur, revealed that the petitioner is not supplying the food as per the menu and norms prescribed by the Government. It is also stated that the allegation that the F.P.Shop dealer is not supplying the food to the petitioner

properly is incorrect. The Fair Price Shop dealer supplied rice to the petitioner regularly as per the requisition made by the M.E.O., Kandukur. It is also stated that the M.R.O., Kandukur, along with M.E.O., Kandukur, have personally enquired into the allegations made against the petitioner in the village and came to the conclusion that the petitioner is not supplying eggs to the students as per Government Menu. Hence, the members of the committee resolved to appoint a new cooking agent to the M.P.Elementary School at Ananthasagaram.

5) Today, the Government Pleader for Education placed on record the letter dated .07.2016, to show that subsequent to the year 2005, number of cooking agencies, were appointed to supply food to the students in the subject school. The particulars of which are as under:

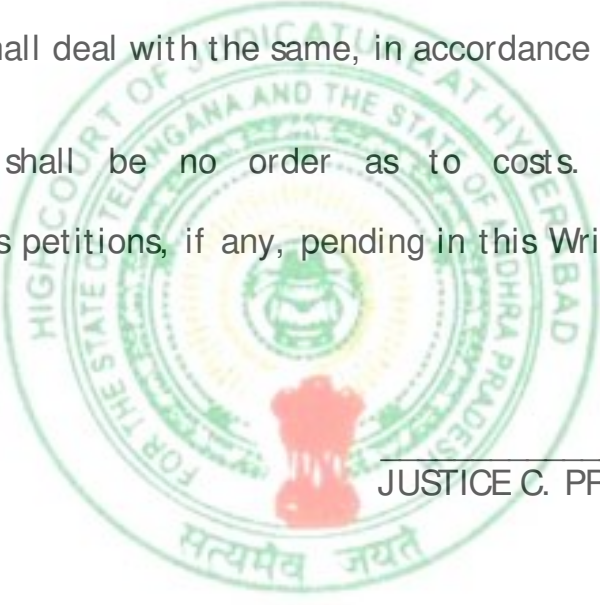
1. Smt.V.Lakshmikanthamma, Cooking Agency, Ananthasagaram, Kandukur Mandal, Prakasham District, from 12.06.2003 to 08.02.2005.
2. Smt. K.Rosamma, from 09.02.2005 to 30.06.2015
3. Smt. K.Pani, from 01.07.2015 to 23.04.2016
4. Smt. G.Lakshamma from 24.04.2016 till today.

6) Though there was an order of *status quo*, but the material on record discloses that number of persons were appointed as Cooking Agents for the Mandal Praja Parishad School, Ananthasagaram. The material further discloses that the petitioner herself gave a representation to the Mandal Education Officer, Kandukur, stating that she intends to withdraw the writ

petition filed before this Court and a letter is also given by the Principal, M.P.P.School, confirming the same.

7) Having regard to the statement made by the petitioner herself, wherein she expressed her intention to withdraw the writ petition, nothing survives for adjudication and the writ petition is accordingly closed. Since the learned counsel for the petitioner would submit that he is not aware of the said letter, the petitioner if otherwise eligible, shall make an application before the competent authority seeking appointment, in which event, the authorities shall deal with the same, in accordance with law.

8) There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

03.08.2017
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