

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.9278 OF 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents 1 to 4.

The prayer sought for in the writ petition is as under:

“to issue an order writ or direction more particularly in the nature of writ of mandamus declaring the proceedings No. A/70/2015, Dt. 10-03-2015 of the 3rd respondent in terminating the cooking agency of the petitioner for running mid day meals work in Zilla Parishad High School, Dommaranandyal(V), Mylavaram Mandal, Y.S.R. Kadapa Dist. without giving any notice to the petitioner is illegal, arbitrary and violative of Articles 14, 19(1)(g) of the constitution of India and against to the principles of natural justice.”

The main grievance of the petitioner herein is that under the guise of issuance of the impugned proceedings by 3rd respondent, dated 10.03.2015, the contract of the petitioner providing mid-day meals in Zilla Parishad High School, Dommaranandyal village, Mylavaram Mandal, Y.S.R. Kadapa District is terminated without issuing any notice or without giving any opportunity of being heard. It is his specific case that he was supplying the mid-day meal to the above said school from 13.10.2008 without any complaint from any corner. However, at the instance of the ruling party leaders, the 3rd respondent has directly terminated the services of the petitioner without giving any notice to him and appointed the 5th respondent herein on temporary basis.

Per contra, the 3rd respondent filed a counter affidavit stating that the Sarpanch, villagers and parents of students studying at the said school submitted a petition against the petitioner agency

alleging that he was not supplying the quality food to the students studying in the school and requested to take necessary action. The concerned Gram Panchayat also passed a resolution recommending for necessary action against the petitioner. In this regard, the Mid-Day Meal Committee comprising of Tahsildar, Mandal Parishat Development Officer and Mandal Educational Officer conducted enquiry on 25.02.2015 in the presence of the villagers, parents of the students and students studying at the said school. During the said enquiry, the students stated that the petitioner is not supplying the quality food and eggs to them on the prescribed dates and menu. After enquiry on the complaints, the writ petitioner was served with notice on 29.02.2015 calling for explanation on the allegations raised by the villagers and students. The petitioner submitted an explanation stating that he is supplying food to the students promptly and timely as per the menu prescribed by the Government except supplying eggs once in a week instead of twice. Based on the allegations made by the villagers, parents and the students and also keeping in view the resolution passed by the Gram Panchayat and in view of the enquiry report, the impugned proceedings are passed.

Having heard both the counsel and from the perusal of the material on record, the point that arises for consideration is” -

‘Whether or not the petitioner was put on notice before issuance of the impugned proceedings?’

From the perusal of the counter affidavit, it is evident that on the basis of the resolution passed by the Gram Panchayat and also the enquiry report, a notice dated 29.02.2015 was served on the

petitioner calling his explanation on the allegations made against him. Pursuant thereto, he has also submitted an explanation stating that he is supplying food to the students as per the menu. However, he has admitted that he was supplying eggs once in a week instead of twice. This aspect of the matter was though specifically mentioned in the counter affidavit, the petitioner has not filed any reply denying the same. So, when once the petitioner was already put on notice seeking his explanation and after considering the said explanation when the impugned orders are passed, it cannot be said that the impugned order suffers from any illegality or irregularity more particularly without issuing notice to the petitioner. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

26th NOVEMBER 2018.

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