

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1880 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings dated 23.01.2007 issued by the 2nd respondent terminating the services of the petitioner and appointing the 3rd respondent as Cooking Agent, as arbitrary and illegal.

Heard Sri I.Koti Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 and 2.

It is the case of the petitioner that he was appointed as a Cooking Agent for M.P.U.P. School, Botla palem Village, Darsi Mandal, in January, 2001. While so, respondents 1 and 2 terminated the services of the petitioner *vide* order dated 23.01.2007 without giving him any opportunity.

While ordering notice before admission, on 6.2.2007, this Court had granted *status quo* and the same was vacated *vide* order dated 10.04.2007 in WPMP No.2370 of 2007. In view of the same, the petitioner is not being continued in service.

Learned Government Pleader appearing for respondents 1 and 2 contends that after terminating the services of the petitioner, the 3rd respondent was appointed as Cooking

Agent, and he is discharging his duties as Cooking Agent without any complaint. Learned Government Pleader further contends that the petitioner is not residing in the village and his whereabouts are not known.

After considering the rival submissions made by the learned counsel on either side, this Court is of the view that the petitioner was not appointed on any regular conditions of service and appointment of the petitioner as a cooking agent cannot be treated as service matter so as to give him an opportunity and follow principles of natural justice in terminating the services of the petitioner. It is a fact that the petitioner was appointed as a cooking agent to undertake the work of cooking in the school under mid-day-meals scheme. Since the appointment of the petitioner as a cooking agent is purely on contract basis and the services of the petitioner would come automatically to an end after completion of tenure of the contract.

As the status quo order granted in favour of the petitioner was also vacated by this Court way back in 2007, strict principles of natural justice need not be followed while terminating the services of the petitioner as a cooking agent on contract basis. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

9th March, 2018

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