

HIGH COURT OF ANDHRA PRADESH

MAIN CASE: W.P. No.20553 of 2024

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
6	19.11.2024	<u>TRR, J</u> <u>I.A.No.3 of 2024</u> The Writ Petition is filed aggrieved by the action of the respondents in terminating the service of the petitioner as Cooking Agent, vide proceedings dated 19.09.2024. The said proceedings are assailed in the present Writ Petition on the ground that the school management has no power to terminate the petitioner from service as Cooking Agent under Mid-day Meal Programme. Learned counsel appearing for the petitioner relied on G.O.Ms.No.94 dated 25.11.2002 to substantiate the contention that the school management has no power to terminate the service of the petitioner as Mid-day Meal Cooking Agent, as it does not indicate any procedure for termination of the service of a Mid-day Meal Cooking Agent. Learned counsel for the petitioner also relied on Rule 8 of the Mid-Day Meals Rules, 2015, for the contention that the meal meets with the nutritional standards and quality specified in Schedule II to the Act and the Food and Drugs Administration Department of the State may collect samples to ensure the nutritive value and quality of the meals and the Department shall collect the samples atleast once in a month from	Transferred to the IO folder

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		randomly selected schools or centralized kitchens and send such samples for examination to the laboratories. Learned counsel for the petitioner further contends that the respondents have not seized any material from the petitioner and they have not sent the any material to the laboratory to arrive at that the petitioner has not supplied a nutritional value food to the students and whatever the reasons stated in the impugned notice are all false. Learned counsel for the petitioner, therefore, in view of the above said rule, prayed to direct the respondents to continue the petitioner as a Mid-day Meal Cooking Agent. Repelling the contentions raised by the learned counsel for the petitioner, learned Government Pleader for School Education appearing for the respondents would rely on the judgments of the erstwhile High Court of Andhra Pradesh in <i>Rudramamba Mahila Dwacra Group, Shiva Nagar, Warangal v. Principal Secretary, Education Department, Govt. of A.P.</i> [2004(6) ALD 157] and also relied on the order dated 20.06.2003 in W.P.No.1894 of 2003 and also a judgment of the Division Bench in <i>D.Ameena Bee v. Commissioner, Anantapur Municipality, Anantapur</i> [2005(2) ALT 576] and also relied on the batch of Writ Petitions, i.e., W.P.No.8037 of 2019 and batch dated 31.10.2019 for the proposition that as the petitioners do not have legally enforceable right, granting of a relief only on the ground that they are not giving an opportunity of being heard and the same would be an empty formality and the	

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		petitioners do not have any enforceable right and the decision of removal and appointment of Mid-day Meal Cooking Agent is a policy decision of the State Government and further stated that the petitioner has given a show cause notice calling for explanation and the petitioner has submitted an explanation and after following the due procedure, as contemplated under the law, the petitioner's services were terminated and if the Court grant time, they are ready to file counter. Hence, prayed not to grant any interim order. As the petitioner is not able to establish the contention that the school management has no power to terminate the services of the petitioner and also since in view of the judgments relied on by the learned Government Pleader for School Education, the decision of removal of the Mid-day Meal Cooking Agent is a policy decision of the State Government, this Court is not inclined to grant interim order. Accordingly, this I.A.No.3 of 2024 is dismissed. _____ TRR,J siva	

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