

HONOURABLE SRI JUSTICE M. GANGA RAO

Writ Petition No.16177 of 2019

ORDER:

The writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in directing the petitioner to resign/leave and preventing from the duties of Mid Day Meal Agency in the 4th respondent school without any reason and without following any law as illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India.

The case of the petitioner is that she has been working as Mid Day Meal worker/agency in the 4th respondent school since 2014 and there are no remarks against her services nor made any allegations against her with regard to cooking of meal or serving to children. The petitioner states that they are cooking food as per law and never caused any inconvenience to children when bills are not properly paid. She further states that due to change of the Government, the present Government is pressuring to leave the work and influencing the 4th respondent for their termination. She further states that the 2nd respondent is not allowing her to discharge the duties and is preventing her from discharging duties without providing any material to cook the meal. However, on 31-08-2019 she made a representation to the 5th respondent informing him that the 2nd respondent is not allowing her to discharge her duties and as the 5th respondent did not respond so far to the said representation, she filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

Learned Assistant Government Pleader appearing for the respondents states that in similar set of circumstances, this court in W.P.No.8037 of 2016 and batch on 31-10-2019 dismissed all the writ petitions, wherein this court, following the judgment of a Division Bench of this court in ***D. Ameena Bee v. Commissioner, Ananthapur Municipality, Ananthapur (2005 (2) ALT 576)***, held that even if a contract can be spelt out between the petitioners and the State, it is purely non-statutory in nature and cannot be enforced through a writ petition and that the rules of natural justice cannot be put in a straight jacket formula. It was further held 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. This court also held that if the rules of natural justice are flouted, the opinion left to this court is to remand the matter back or to set aside the orders and direct a *de novo* hearing. In the said judgment, this court also held that in view of the fact that two single Judges and one Division Bench have held that the petitioners do not have any enforceable right and that these decisions are policy decisions, this court holds that a further opportunity of hearing will not serve any useful purpose (***Dharampal Satyapal Ltd., v. Deputy Commissioner of Central Excise (2015 (8) SCC 519)***).

Considering the submissions made by the learned Assistant Government Pleader and following the ratio laid down in the aforesaid judgment, the court found that the issue involved herein is

squarely covered by the ratio laid down in the said batch of writ petitions, and hence, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

M. GANGA RAO, J

Date: 03-12-2019

Ksn

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3rd December 2019

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