

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.943 of 2015**

Jay Ma Bamleshwari Swa Sahayta Samuh Bhardakala, Through : President, Yashu Bai, W/o Shri Toran Lal Sahu, President Of Jay Ma Mableschwari Swa Sahayta Samuh, Bhardakala, R/o Village Bhardakala, Post Gundardehi, District Balod (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through : Secretary, Department Of Women And Child Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, District Balod (Chhattisgarh)
3. District Programme Office, Akikrit Bal Vikas Yojna, Balod, District Balod (Chhattisgarh)
4. Programme Officer, Akikrit Bal Vikas Yojna, Gunderdehi, District Balod (Chhattisgarh)

---- **Respondent**

For Petitioner	:	Smt. Renu Kochar, counsel for petitioner.
For Respondent/State	:	Shri D. R. Minz, Dy.G.A.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****14/10/2015**

By this petition under Article 226 of the Constitution of India, challenge is made to order dated 11-05-2015, by which, the work of contract of ready to eat food has been withdrawn and work order of the petitioner has been canceled.

2. The petitioner was awarded work of supply of ready to eat food under the government scheme for distribution of ready to eat meal to beneficiaries. Upon lab test, sample of ready to eat food, prepared by the petitioner, was found sub standard, as a result of which, show cause notice was issued to the petitioner on 28-04-2015.

Reply was submitted by the petitioner on 05-05-2015. Thereafter, the impugned order dated 11-05-2015 was passed on the ground that the petitioner has supplied sub standard quality of ready to eat food.

3. Learned counsel for the petitioner submitted that the amendment in the policy vide letter dated 12-03-2015 will not apply in the case of the petitioner and in the case of the petitioner, the provision contained in earlier circular dated 03-12-2014 (Annexure P-4) shall remain applicable, under which, no action is contemplated on the basis of solitary report of sub standard quality of ready to eat material. The next submission is that the lab test report was not supplied to the petitioner. Third submission is that the petitioner explained the reasons for supply of sub standard quality of ready to eat food, which were not taken into consideration.

4. As far as first submission is concerned, true it is that earlier the action was not contemplated on a single incident of sub standard quality having been found. But, later on, policy makers introduced strict policy and it was decided vide letter dated 12-03-2015 that if any sub standard quality is found, the work would be canceled. The respondents found that the sample of ready to eat food collected from the petitioner was sent to the laboratory and it failed in the test. The decision in such cases is required to be taken on the basis of circular dated 12-03-2015. It is not a case where, upon receipt of report, decision had already been taken and the petitioner was allowed to continue. Action in the case of the petitioner was taken after amendment of the earlier policy vide letter dated 12-03-2015. In a matter where the continuance of work is dependent upon the sample being found up to the mark, the decision of the respondents is in public interest to ensure that sub standard quality of ready to eat material is no longer distributed to the beneficiaries who belong to the poor section of the society. Therefore, for this overwhelming reasons in public domain, the argument that as the sample was collected in the month of November, 2014, therefore, the petitioner should be saved against the policy under letter dated 12-03-2015, is rejected.

5. The other submission that copy of the test report was not supplied requires rejection at the threshold because in the reply, the petitioner did not demand copy of the same and only sought one more opportunity to continue, accepting failure, though giving certain justification. The justifications submitted by the petitioner is irrelevant where the sample is found lacking in quality prescribed. In such an eventuality, action follows automatically and no exception can be made to it.

6. In the result, the petition being devoid of merit is dismissed.

Sd/-
Manindra Mohan Shrivastava
Judge