

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.7086/2011

Jai Maa Mahila Swa Sahayata Samuha, Devrikhurd, Bilha, District Bilaspur through its President Amrika Bai, aged about 55 years, w/o Dhaniram Verma, R/o Village Deoridih, Thana Torva, Tahsil and District Bilaspur.

.....Petitioner

1. The State of Chhattisgarh, through Secretary, Food Department, D.K.S. Bhawan, Raipur (CG)
2. The Collector, Bilaspur
3. The Sub-Divisional Officer, Bilaspur.
4. Jai Chandrahasini Mahila Swam Sahayta Samuha, village Devrikhurd, Dist. Bilaspur.
5. Chief Executive Officer, Janpad Panchayat, Bilha, Bilaspur.

.....Respondents

For petitioners:	Shri Parag Kotecha, Advocate
For respondent No.1 to 3:	Shri Ajit Singh, Panel Lawyer
For respondent No.4:	Shri P.M. Sriwas, Advocate
For respondent No.5:	Sushri P. Mishra, Adv. under the authority of Shri S.C. Verma, Advocate

SB: Hon'ble Shri Justice Pritinker Diwaker

Order on Board

30.07.2015

1. On 24.11.2009 the petitioner was selected as an agency for supplying Mid-day Meal in the Government Middle School, Devrikhurd and the petitioner continued to supply mid-day meal in the aforesaid school till 26.8.2011 when the order dated 26.8.2011 (Annexure P-2) was issued in favour of the respondent No.4. It is this order which has been assailed by the petitioner in this writ petition.
2. Learned counsel for the petitioner submits that the order impugned has been issued without cancelling the allotment order issued in favour of the petitioner and without affording any opportunity of hearing. He further submits that the ground taken by the respondent authorities that as per policy, allotment is to be done every year on rotation basis, is

incorrect because no such condition has been mentioned in the impugned order. He further submits that as the husband of the Secretary of respondent No.4 is Sarpanch of Gram Panchayat Devrikhurd, the proposal has been made in favour of respondent No.4 by gram panchayat. He further submits that till date no complaint whatsoever has been received against the petitioner and therefore selection of respondent No.4 in place of the petitioner is bad in law.

3. Learned counsel for the State submits that the order impugned passed by the respondent No.5 is appealable before the authority concerned i.e. Collector, and the petitioner may file an appeal raising all the grievances as raised in this petition.
4. Learned counsel for the petitioner seeks to withdraw this petition with liberty to file an appeal before the authority concerned. However, he submits that a direction may be issued to the authority concerned to consider and decide such appeal expeditiously in accordance with law.
5. Learned counsel appearing on behalf of the respondents No.4 & 5 have no objection if any appeal is preferred by the petitioner, however, they submit that opportunity of hearing may also be given to them.
6. Accordingly, the petition is dismissed as withdrawn with the aforesaid liberty. If the petitioner makes any such appeal, it is expected by the authority concerned to consider & decide the same as expeditiously as possible, preferably within three months from the receipt thereof in accordance with law by giving opportunity of hearing to respondent Nos.4 & 5 as well.

(Pritinker Diwaker)
Judge