

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1403 of 2015

1. Minimata Mahila Swa Sahayata Samuh Dongariya (Khurd), Through- Its President Kunj Bai W/o Nem Singh Kurrey, Aged About 45 Years, R/o Village- Dongariya (Khurd), Police Chowki-Damapur, P.S.- Kunda, Civil & Revenue Distt. Kabirdham (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. The Collector, Kabirdham, Distt. Kabirdham (Chhattisgarh)
3. District Education Officer, Kabirdham Distt. Kabirdham (Chhattisgarh)
4. Sub Divisional Officer (Revenue) Pandariya, Distt. Kabirdham (Chhattisgarh)
5. Block Education Officer, Block- Pandariya, Distt. Kabirdham (Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat Pandariya, Distt. Kabirdham (Chhattisgarh)
7. Jai Maa Ambike Mahila Swa Sahayata Samuh, President Jhuniya Bai, R/o Atariyakhurd, Tahsil - Pandariya, Distt. Kabirdham (Chhattisgarh)

---- Respondent

For Petitioner	Shri Prashant Jaiswal, Sr. Adv. with Shri Ali Asgar, Advocate
For Respondent/State	Shri Bhaskar Payasi, Panel Lawyer
For Respondent No.6	Shri Sushil Sahu, Advocate
For Respondent No.7	Shri Vaibhav A. Goverdhan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/11/2015

1. Petitioner is aggrieved by the order passed by the Sub Divisional Officer (Revenue), Pandariya, District Kabeerdham (for brevity 'the SDD'), on 29-7-2015 by which the contract for supply of mid day meal to Government Primary School, Damapur, has been allotted to some other agency than the petitioner.
2. Shri Prashant Jaiswal, learned senior counsel appearing for the petitioner, would submit that without passing any express order concerning the petitioner's agreement, the SDO could not have handed over the work of supply of mid day meal to some other agency. He would further submit that the petitioner has not been afforded opportunity of hearing before making the new arrangement.
3. Shri Bhaskar Payasi, learned Panel Lawyer appearing for the State, would draw attention of the Court to the circular issued by the State Government on 7-8-2012 in respect of appointment/functioning of the agency for supply of mid day meal. He would further submit that as per sub-clause (3) of clause 1 of the said circular, the petitioner has the remedy of preferring a representation before the concerned Collector, therefore, the writ petition is not maintainable.

4. Considering the provisions contained in sub-clause (3) of clause 1 of the circular dated 78-2012, the writ petition is disposed of with a direction that in the event the petitioner prefers representation before the concerned Collector within a period of 15 days from today, the said authority shall consider and decide the petitioner's representation objectively, by speaking order at the earliest, preferably within a period of one month from the date of submission of representation.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the representation, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

Gowri