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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1660 OF 2015

Sanskar Swayam Sahayata … Petitioner
Vs.
The State of Maharashtra and Anr. … Respondents

WITH
WRIT PETITION NO.1661 OF 2015

Rajgriha Mahila Bachat Gat … Petitioner
Vs.
The State of Maharashtra and Ors. … Respondents

WITH
WRIT PETITION NO.1662 OF 2015

Kalpataru Mahila Bachat Gat … Petitioner
Vs.
The State of Maharashtra and Ors. … Respondents

WITH
WRIT PETITION NO.1663 OF 2015

Eklavya Mahila Bachat Gat … Petitioner
Vs.
The State of Maharashtra and Ors. … Respondents

WITH
WRIT PETITION NO.1669 OF 2015

Kulswamini Mahila Swayam
Sahayata Bachat Gat … Petitioner
Vs.
The State of Maharashtra and Anr. … Respondents

Mr. M.S. Karnik i/by Ms. Leena Patil, for the Petitioners.
Mrs. M.P. Thakur, AGP, for the Respondent – State.
Mr. Rahul Chinchale, Law Officer, Women & Child Department.

CORAM : A.S. OKA &
A.P. BHANGALE, JJ.

DATE : 31st MARCH, 2015

P.C.

. Facts of these Petitions are more or less identical. Therefore, for the convenience, we are referring the facts of the case in Writ Petition No.1660 of 2015. A notice was issued to the first Respondent - State of Maharashtra calling for the expression of interests to provide Take Home Ration (for short "THR") for the children between age group of six months to three years, mal-nourished children between the age group of six months to six years, pregnant women, lactating women and young girls. A notice was published inviting expression of interests in terms of the scheme of THR under the Integrated Child Development Scheme. The Petitioner participated in the process. The Petitioner is relying upon the order dated 21st October, 2013 issued by the District Collector cum Chairman of the District Level Committee.

2. The main grievance in the Petition is that the work order in terms of the said order dated 21st October, 2013 is not being issued to the Petitioner. The Petitioner invited attention of the Court to the letter dated 24th November, 2014 addressed by the Commissioner of the Integrated Child Development Scheme, Maharashtra State to the District Collectors. In the said letter, there is a reference to Writ Petition

No.5344 of 2014 filed before this Court in the Bench at Nagpur. It refers to the ad-interim order passed by this Court in the said Writ Petition.

3. The learned AGP has tendered across the bar a copy of affidavit of Shri Bhagwat Gopalaji Tambe, the Deputy Chief Executive Officer (Child Development), Zilla Parishad, Nagpur filed in the said Writ Petition No.5344 of 2014. A copy of the order dated 2nd February, 2015 passed by the Bench at Nagpur in the said Writ Petition and a copy of communication dated 4th March, 2015 addressed by the Commissioner of Integrated Child Development Programme to the District Collectors are also tendered. The learned AGP is instructed by Mr. Rahul Chinchale, Law Officer, Women & Child Department who is personally present in the Court.

4. We have perused affidavit of Shri Bhagwat G. Tambe which is marked 'X' for identification. Paragraph 4 of the said affidavit relates to the tender notice issued on 24th May, 2013. Paragraphs 4 and 5 of the said affidavit read thus :-

> 4. In respect of the tender issued on 24/5/2013, the tender documents clearly mentioned on clause 42 that, “the supply of THR shall be for the period of three (3) years. However, the village communities/Women Self Help Groups/Mahila Mandals, their work shall be evaluated by the ICDS Commissionrate every year; the extension to the work order shall be given only if the THR work is found satisfactory;

for this a new agreement shall be signed every year." The Commissioner Office, ICDS shall undertake a strict evaluation of the Mahila Bachat Gat/Mahila Mandals supplying THR according to the guidelines prescribed by the Hon'ble Supreme Court and the directives given by the Govt. of India towards of the completion of first year.

5. As a result of this evaluation exercise, only those Bachat Gats who are strictly adhering to the past and present directives of Hon'ble Supreme Court and Govt. of India as well as Govt. of Maharashtra shall be given further work order which shall be continued for further one year."

5. In view of what is stated in the affidavit, by order dated 2nd February, 2015 Writ Petition No.5344 of 2014 was disposed of as withdrawn and therefore, ad-interim relief granted in the said Petition stands vacated. The communication dated 4th March, 2015 (marked 'X-2' for identification) addressed by the Commissioner of Integrated Child Development Project records that in terms of what is stated in the aforesaid affidavit, after necessary verification, work orders shall be issued.

6. Thus, now there is no impediment in the way of issuing work orders to the Petitioners in these Petitions subject to what is stated in paragraph 4 of the said affidavit (marked 'X' for identification) as well as what is stated in communication dated 4th March, 2015 (marked 'X-2' for identification).

7. It appears that no further steps were taken on the basis of order dated 21st October, 2013 issued to the Petitioners in view of the ad-interim order passed in Writ Petition No.5344 of 2014.

8. Now that ad-interim order has been vacated, the Respondents will have to take steps for issuing work orders to the Petitioners subject to what is stated in the aforesaid affidavit and communication dated 4th March, 2015.

9. We, therefore, dispose of the Petition by passing the following order:

ORDER

(i) The Respondents shall take steps to issue work orders to the Petitioners in terms of order dated 21st October, 2013 as expeditiously as possible;

(ii) If the work orders are not issued to the Petitioners within a period of two months from today, we grant liberty to the Petitioners to make appropriate application to this Court in these disposed of writ petitions;

(iii) Petitions are disposed of on above terms;

(iv) All concerned to act upon an authenticated copy of this order.

(A.P. BHANGALE, J) **(A.S. OKA, J)**