

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2502 of 2016

- Shri Laxmi Woman Self Help Group Piplipali Sector Garh Fuljhar, Through Its President Namely Smt. Neela Bai, W/o Kaushal Nand, Aged About 36 Years, R/o Village Piplipali, Post Garh Fuljhar, Police Station Basna, District Mahasamund, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Woman & Child Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Director, Directorate Of Woman & Child Development Department, Indrawati Complex, New Raipur, District Raipur, (Chhattisgarh)
3. Collector, Mahasamund, District Mahasamund, (Chhattisgarh)
4. Project Officer, Integrated Child Development Services Project, Mahasamund, District Mahasamund, (Chhattisgarh)
5. District Program Officer, Woman & Child Development Mahasamund, District Mahasamund, (Chhattisgarh)
6. Commissioner, Raipur Division, Raipur, District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Manoj Paranjpe, Advocate
For Respondent]/State	Mr. UNS Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

4/10/2016

1. Heard.
2. The petitioner is aggrieved by the order -Annexure P/1,

whereby, the District Programme Officer, Women and Child Development Department, District Mahasamund has removed the petitioner from the work of supply of ready to eat food materials to 25 Aanganbadi Centres of Sector Gadfuljhar, Project Basna, District Mahasamund.

3. It is argued that the District Programme Officer has passed the order without affording opportunity of hearing, which is also reflected from the communication issued from the office of Commissioner, Raipur Division on 16.02.2016 (Anneuxur P/7).
4. Bare reading of the order Annexure P/1 would indicate that on some complaint being made against the working of the petitioner-Self Help Group, an enquiry was conducted by the Project Officer, Integrated Women and Child Development Project, Basna and on his recommendation, the impugned action has been taken, however, there is no reference to any opportunity of hearing afforded to the petitioner either by the Project Officer or by the District Programme Officer before passing the impugned order.
5. Although in the Agreement executed between the petitioner and the concerned Department, there is no clause entitling the petitioner to opportunity of hearing before cancellation of the Agreement yet in the subsequent Agreement executed between the Self Help Group and the Project Officer, after issuance of State Government's Circular on 03.12.2014, fresh agreement provides for consideration of the matter by a Committee headed by the Collector and affording an opportunity of hearing before passing an order.

6. Considering the entire facts' situation of the case, the impugned order deserves to be and is hereby set-aside on the ground of violation of principles of natural justice and the matter deserves to be remitted back to the Collector, Mahasamund for constituting a Committee and deciding the matter afresh after affording opportunity of hearing to the petitioner.
7. It is ordered accordingly.
8. The writ petition is disposed of in the above stated terms.

Sd/-

Judge

(Prashant Kumar Mishra)

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