

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1252 of 2016

Jai Laxmi Mahila Swa Sahayta Samooh Sakarra Through Its
President Smt. Rajkumari Chandra W/o Shri Ghasiyaram
Chandra, Aged About 33 Years, R/o Village Sakarra School
Chowk, Thana & Tahsil Malkharouda, Civil & Revenue District
Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Food,
Civil Supply And Consumer Protection, Mantralaya Mahanadi
Bhawan, Capital Complex New Raipur, District Raipur Chhattisgarh
2. Collector, Janjgir (Food Department) District Janjgir Champa
Chhattisgarh
3. Food Officer, (Inspector) Malkharouda Thana & Tahsil
Malkharouda, District Janjgir Champa Chhattisgarh
4. Sub Divisional Officer, (Revenue) Sakti District Janjgir Champa
Chhattisgarh
5. Durga Mahila Swa Sahayta Samooh, Sakarra, Through Its
President Smt. Shukwara Bai W/o Shri Mehattar Lal Sahu, Aged
About 55 Years, R/o Village Sakarra, Thana & Thasil
Malkharouda, Civil & Revenue District Janjgir Champa
Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sunita Jain, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2016

Heard.

1. Challenge is to order dated 16.03.2016 on the ground that work
has been allotted to respondent No.5 by way of undue favour and
patronage on the basis of recommendation made by a member of the

parliament.

2. Learned counsel for the petitioner submits that the member of the parliament wrote a letter on 18.07.2015 (Annexure P/4) for award of contract in favour of respondent No.5 and thereafter, proceedings were made with the prejudged mind. It is also submitted that preference has been granted to respondent No.5 on the ground of better financial condition. It is also submitted that as per the complaint of the petitioner, some cases are pending against respondent No.5 before the Sub-Divisional Officer (Revenue), Sakti on the allegations of misappropriation of food grains.

3. The letter of the member of the parliament shows that the application of respondent No.5 was forwarded for consideration of the case as per rules. It is not a case where the allotment was made in a manner without inviting application. Even according to the petitioner, notice was issued inviting application pursuant to which more than one application including that of the petitioner and respondent No.5 were received. The petitioner has placed on record the minutes containing the consideration. The respondent No.5 has been preferred in place of the petitioner taking into consideration better financial condition and also that it has experience of work and is operating a mid day meal centre.

4. It could not be brought to the notice of the Court that respondent No.5 suffered from any disqualification or that any particular attribute of merit of the petitioner was omitted from consideration.

5. The extraordinary jurisdiction under Article 226 of the Constitution of India is limited to examine the decision making process rather than the decision itself. In the absence of there being any defect in the decision making process, this Court would not assume the role of an Appellate Authority to substitute its view and reassess the material to arrive at its own conclusion with regard to comparative merit and suitability of the candidate therefore, I am not inclined to issue notice and the writ petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E