

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2472 of 2016

- Puja Pashudhan Vikash Swa-Sahayata Samuh Gindola Village Gindola, District Baloda Bazar- Bhatapara (Chhattisgarh), Through Its President Jina Devi Dahariya, W/o Premprakash Dahariya, Aged About 33 Years, R/o Village Gindola Block Baloda Bazar, District Baloda Bazar- Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Women And Child Development Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Director, (Women And Child Development Department) Indrawati Bhavan, Mantralaya, New Raipur, District : Raipur (Chhattisgarh)
3. The Collector, (Women And Child Development Branch) Baloda Bazar Bhatapara (Chhattisgarh)
4. The Project Officer, Integrated Child Development Project, Baloda Bazar, District Baloda Bazar Bhatapara (Chhattisgarh)
5. District Programme Officer, (Women And Child Development Department) Baloda Bazar, District Baloda Bazar Bhatapara (Chhattisgarh)

---- Respondent

For Petitioner	Mr. P.K. Patel, Advocate
For Respondent /State	Mr. J.K. Gilda, Advocate General with Mr. B. Gopakumar, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

4/10/2016

1. Heard.
2. The petitioner would assail the legality and validity of the order Annexure P/2, whereby, the Commissioner, Baloda Bazar-

Bhatapara has cancelled the agreement for supply of ready to eat food material for Lahod and Munda Sectors of Baloda Bazar Block in the District of Balodabazar-Bhatapara.

3. It is argued that the impugned order is passed in patent violation of clause 11 of the Agreement, which provides that any adverse action for cancellation of agreement shall be done on the recommendation of a Committee constituted under the Chairmanship of Collector after affording opportunity of hearing to the concerned supplier.
4. The impugned order does not reflect that the petitioner was afforded any opportunity of hearing before passing the order, thus, it appears to be in violation of clause 11 of the Agreement. Therefore, instead of keeping this writ petition pending, it would be appropriate to dispose it of by directing the concerned Collector to consider the matter in the Committee under his Chairmanship in terms of clause 11 of the Agreement and provide opportunity of hearing to the petitioner before passing the final order.
5. Accordingly, the impugned order is set-aside on the ground that it has been passed in violation of principles of natural justice and the matter is remitted back to the Collector for decision in the above stated terms.
6. The writ petition is allowed to the extent indicated above.

Sd/-

Judge

(Prashant Kumar Mishra)