

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2628 of 2016

1. Nikhil Swa Sahayta Samuh, Kurumkela Through Its President Smt. Sribai Vishwakarma, W/o Ram Prasad Vishwakarma, R/o Village Kurumkela, Block & Tehsil Bageecha, Distirct Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women & Child Development Department, Mantralay Mahandi Bhawan, New Raipur Chhattisgarh
2. The Director, Women And Child Development, Department, Mantralaya Indravati Bhawan, New Raipur Chhattisgarh
3. Collector, Jashpur, Distirct Jahspur Chhattisgarh
4. District Programme Officer, Women & Child Development, Department, Jashpur, Distirct Jashpur Chhattisgarh
5. Project Officer, Integrated Child Development, Project Sanna, Block Bageecha, Distirct Jashpur Chhattisgarh
6. Sai Swa Sahayata Samuh, Rengle, Block Bageecha, Distirct Jashpur Chhattisgarh

---- Respondent

For Petitioner

Shri K.N. Nande, Advocate

For Respondent/State

Shri R.K. Mishra, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. The petitioner would assail the legality and validity of the order dated 14-7-2016 whereby the petitioner's agreement dated 5-3-2015 for supply of ready to eat food material to the Aangan Badi Centre of Kurumkela sector has been cancelled.
2. It is argued that in view of the terms and conditions of the agreement, such cancellation can be made only on recommendation of a Committee under the Chairmanship of District Collector whereas in the present case, the District Programme Officer has passed the order without giving any opportunity, which is in violation of principles of natural justice. Learned counsel would refer to the order passed by this Court in **Jai Bhawani Sw Sahayta Samuh Sulesa v. State of Chhattisgarh & Others** (WPC No.2433/2016, decided on 3.10.2016).
3. Learned State Counsel would submit that if direction is issued, the concerned Collector shall be instructed to examine the matter and pass necessary order in accordance with law.
4. In view of the above, the impugned order having been passed in violation of principles of natural justice, it deserves to be and is hereby set aside. The matter is remitted back to the Collector, Jashpur, who shall examine the

complaint/irregularity committed by the petitioner by a Committee as contemplated under the provisions of the agreement and based on the recommendation of the Committee, the Collector shall pass the order in accordance with law.

5. Let the entire exercise be completed within a period of four months from today.
6. It is made clear that till the matter is decided by the Collector, the petitioner shall continue to supply ready to eat food material to Aanganbadi Center, Kurumkela, in accordance with the agreement.
7. The writ petition is accordingly disposed of.

Sd/-

Prashant Kumar Mishra
Judge

Gowri