

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3420 of 2019

- Shri Mahalaxmi Mahila Swasahayata Samuh, Mohtara, Sector - Gatadih, Tahsil Bilaigarh, District Balodabazar Bhatapra, Through Its President Smt. Gaurekha Sahu, W/o Shri Devlal Sahu, Aged About 28 Years, R/o Mohtara, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Ministry Of Women And Child Welfare, Secretariat, Mahanadi Bhawan, Atal Nagar, Raipur
2. The Collector, District Balodabazar Bhatapara
3. The District Programme Officer, Women And Child Development, Collectorate, Balodabazar, District Balodabazar Bhatapara
4. The Project Officer, Integrated Child Development Project, Block Bhatgaon Tahsil Bilaigarh, District Balodabazar Bhatapara

---- Respondents

For Petitioners	:	Ms. Supriya Upasane, Advocate
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For State/ Respondents	:	Mr. Rahul Jha, Government Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.09.2019

Heard.

1. The contention of the petitioner is that the petitioner was selected to supply ready to eat food on 21.07.2016 subsequently the agreement was drawn on 13.10.2016. It is contended that the petitioner was supplying the ready to eat food, however the communication though was not directly made to them it was sent on a whatsapp group wherein the petitioner was informed that the agreement to supply ready to eat food has been canceled. It is contended that the agreement and the scheme to provide the ready to eat

food contemplates that in case of any dispute, the matter has to be referred to a committee which is to be constituted by the Collector as per Clause 11 of the agreement, however, in this case without any reference or constitution of the committee, the cancellation has been effected. Therefore, there is a violation of the agreement and the scheme & Rule for ready to eat food.

2. Perusal of the document Annexure P-1 dated 03.09.2019 would show that the agreement which was entered in between the petitioner and the respondent has been canceled. The order do not reflect that the matter was referred to a Committee constituted by the Collector as per Clause 11 of the agreement. The agreement is executed in between the petitioner and the Women and Child Development Project Officer. Under the circumstances prima facie letter dated 03.09.2012 would reflect that before cancellation, Clause 11 of the agreement was not adhered too.
3. Considering the prima facie fact that neither opportunity of hearing was given, nor it appears that the order had been passed by the Committee. Accordingly, the impugned order dated 03.09.2019 is set aside.
4. The collector shall now initiate fresh proceedings against the petitioner by issuing a show cause notice and thereafter the Committee under the chairmanship of the Collector shall examine the matter and pass a fresh order within a period of three months.
5. With the above observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge