

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 977 of 2020**

1. Sheetala Mata Mahila Swa Sahayata Samuh, Through Its President, Smt. Bimala Bai, Aged About 48 Years, W/o Ramjee Barai, R/o Village Jondhra, Tahsil: Masturi, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Women And Child Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2. Collector, Bilaspur, District : Bilaspur, Chhattisgarh
3. Project Officer, Integrated Child Department Scheme Masturi, District : Bilaspur, Chhattisgarh
4. District Program Officer, Department of Woman And Child Development, District : Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ashutosh Mishra, Advocate
For State	:	Smt. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20.03.2020**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 26.02.2020; whereby the District Program Officer i.e., the respondent no. 4 has passed an order awarding the work to petitioner has been cancelled.
2. The contention of the counsel for the petitioner is that earlier also, a similar order was passed on 11.11.2019 by the same authority and the said order is already under challenge before the Collector under clause 11 of the said agreement entered into between the parties. The Collector is already ceased of the matter and application for

grant of interim relief is also pending consideration before the Collector, District: Bilaspur. Pending the appeal and the application, the respondent no. 4 has again passed a fresh order against the petitioner. The contention of the counsel for the petitioner is that once when the appeal has been preferred in view of the application for interim relief, the respondent no. 2 should have at the first instance decided the application for interim relief, if not at least pending the appeal, the respondent no. 4 should not have taken and passed an order detrimental to the interest of the petitioner.

3. Given the aforesaid facts, this Court is of the opinion that since the petitioner has already availed a remedy that is provided under the scheme/agreement by approaching the Collector challenging the earlier order dated 11.11.2019 and the appeal also still pending, it would not be appropriate for this Court to entertain the writ petition testing the veracity of the order dated 26.02.2020 at this stage. The option available to the petitioner under the scheme/agreement is to approach the Collector under clause 11 of the said agreement particularly, when the appeal arising out of the earlier order, pending consideration before the Collector. The petitioner can also move an application for grant of interim relief seeking stay of the effect and operation of the impugned order Annexure P-1 dated 26.02.2020 before the Collector itself.
4. Reserving the right of the petitioner to approach the Collector to challenge the order dated 26.02.2020, the present writ petition at this juncture, stands disposed off.
5. In the event, if the petitioner prefers an appeal to the Collector under clause 11, it is expected that the appellate authority ie., the Collector

shall decide the same at the earliest or may also consider the application for interim relief at the first instance.

6. Accordingly, the writ petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge

Rahul