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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2962 of 2020

- Sheetala Mata Swa Sahayata Samooh Jondhara, Tahsil Masturi, District Bilaspur Through Its President Namely Smt. Bimala Bai, Aged About 48 Years W/o Shri Ram Ji Barai, R/o Village Jondhara, Tahsil Masturi, District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development, Mahanadi Bhawan, Capital Complex, Nawa Raipur Atal Nagar Chhattisgarh
2. The Director Directorate Of Women And Child Development, Indrawati Bhawan, Nawa Raipur, Atal Nagar Chhattisgarh
3. The Commissioner Division Bilaspur District Bilaspur Chhattisgarh
4. The Collector Bilaspur District Bilaspur Chhattisgarh
5. The District Programme Officer Women And Child Development Department, Bilaspur, District Bilaspur Chhattisgarh
6. The Project Officer Integrated Child Development Project, Masturi, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri Shashank Thakur, Advocate

For Respondents/State : Shri Gagan Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2020

1. Heard.

2. Learned counsel for the petitioner would submit that against the cancellation of the supply of ready to eat food material, the petitioner initially filed the first appeal before the Collector according to the guidelines issued by the State on 05.06.2017 & 03.12.2019. Subsequently, against the order of the Collector, the petitioner has preferred the second appeal before the Commissioner, Bilaspur

as per guideline 9 and according to the guideline it purports that if such second appeal is filed, that shall be decided within a period of 8 weeks as far as possible. He would further submit that though the petitioner has preferred the second appeal vide Annexure P-4 on 31st of August, 2020, however, the same is not been decided till date, therefore, the Commissioner may be directed to decide the second appeal within a specified time.

3. Perused the guideline which has been issued by the State from time to time. In respect of the second appeal the directions stands as under:-

> **9. संभागायुक्त के समक्ष द्वितीय अपील की प्रक्रियाः–**
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> 9.1 जिला कलेक्टर द्वारा पारित आदेश के विरूद्ध संभागीय आयुक्त के समक्ष प्रमाणित प्रति प्राप्त करने की तिथि से 30 दिवस के भीतर द्वितीय अपील प्रस्तुत की जा सकेगी।
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> 9.2 संभागीय आयुक्त द्वारा प्रकरण की सुनवाई की जायेगी, जिसमें समूह तथा जिला कार्यक्रम अधिकारी/जिला महिला एवं बाल विकास अधिकारी दोनों को अपना पक्ष रखने का पूर्ण अवसर प्राप्त होगा।
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> 9.3 प्रकरण पर यथासंभव 08 सप्ताह के भीतर सुनवाई पूर्ण की जायेगी। पृथक नस्ती में सुनवाई की प्रक्रिया की जायेगी। प्रकरण में गुण दोष के आधार पर संभाग आयुक्त द्वारा स्वव्याख्यात्मक स्पष्ट आदेश पारित किया जायेगा।
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> 9.4 आदेश की प्रमाण्ति प्रति प्राप्त करना उभय पक्षों की जिम्मेदारी होगी। पारित आदेश के विरूद्ध प्रमाणित प्रति प्राप्त करने की तिथि से 30 दिवस के भीतर सक्षम न्यायालय में वाद प्रस्तुत करने के लिये स्वतंत्र होगा।

4. Considering the fact that the second appeal has already been preferred against the order of the Collector dated 10.08.2020, the Commissioner is directed to decide the said second appeal preferred by the petitioner within a further period of six weeks from the date of receipt of the copy of this order.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu