

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3446 of 2021

- Nidhi Mahila Swa-Sahayata Samuh, Dharampura Sector Jhaal, Through Its President Kevra Bai , W/o Chekuram, Aged About 57 Years Having Address At Gram Dharampura, Panchayat Gadamore, Post Gadamore, Tehsil Nawagarh, District Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Woman And Child Development , Mahanadi Bhawan, Nawa Raipur , Atal Nagar , District Raipur Chhattisgarh
2. Collector District Bemetara Chhattisgarh.
3. Director Department Of Women And Child Development , Mahanadi Bhawan, Nawa Raipur , Atal Nagar, District Raipur .
4. District Program Officer Women And Child Development , District Bemetara Chhattisgarh.
5. The Project Officer Integrated Child Development Project Khandasara Project , District Bemetara Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.08.2021

Heard

1. The grievance of the petitioner in the present writ petition is that the petitioner-Nidhi Mahila Swa-Sahayata Samuh was supplying ready to eat food to different centers and on a complaint having been made that certain price for goods has been recovered over and above the scheduled prices, they were directed by the respondent No. 4-District Program Officer vide Annexure P/9 dated 14.12.2018 with an order restraining them to continue

with such work. Against such order, an appeal was preferred by the petitioner before the Collector which was stayed by order dated 10.01.2019 (Annexure P/10) and subsequently the order of the District Program Officer dated 14.12.2018 was finally quashed vide Annexure P/12 dated 07.03.2019. It is contended that recently the respondent No. 4 has published a notification for supply of ready to eat food wherein the petitioner had participated and as per the list published, they have been shown to be disqualified for the reason that some recovery proceedings are pending against them.

2. Learned counsel for the petitioner submits that on the wrong factual background, the petitioner has been made disqualified and no recovery proceedings are pending against them. He submits that against the said order, the petitioner has made an objection vide Annexure P/17 dated 06.04.2021 wherein it has been stated that the recovery has already been made therefore the petitioner cannot be deprived on such wrong factual ground.
3. Considering the submission of the petitioner's Counsel, if the recovery has already been made and no recovery proceedings are pending against the petitioner, then the petitioner cannot be deprived on the ground that certain recovery proceedings are still pending against them. This fact need to be ascertained about correctness of the same. The petitioner has made an objection to the said order vide Annexure P/17 dated 06.04.2021 stating that no recovery proceedings are pending. Taking into consideration such facts, the respondent No. 4-District Program Officer Women & Child Development is directed to decide the objection of the petitioner Annexure P/17 objectively and thereafter pass a reasoned order. It is obvious that if the disqualification of the petitioner has been made on wrong factual ground, then in such case, the petitioner is entitled to be considered of their candidature. Therefore, it is

directed that till the objection of the petitioner Annexure P/17 dated 06.04.2021 is decided, the respondent authority shall not finalize the selection of the self help group to supply ready to eat food under the Child Development Program. The aforesaid direction would only apply in case till today the finalization has not been done to select the self help group to supply the ready to eat food.

4. With such observation/ direction, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge