

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3647 of 2021

- Kalyani Mahila Swa Sahayata Samuh, Through Its President Smt. Rukmani Devi Chandra, W/o Shri Gangaram Chandra, A/o 40 Years, Village Kanakpur, Police Station Kapisda, Block Bamnindih, Tahsil Champa, District - Janjgir - Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Woman And Child Development, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Post Office - Rakhi, District - Raipur Chhattisgarh
2. Director, Woman And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, Post Office - Rakhi, District - Raipur Chhattisgarh
3. District Programme Officer, Woman And Child Development Department, District Janjgir - Champa Chhattisgarh
4. Project Officer, Integrated Child Development Project, Bamnindih, District Bemetara Chhattisgarh.
5. Ashtasidhhi Mahila Swa Sahayata Samuh, Through Its President Smt. Gayatri Devi Chandra, Village Kanakpur, Post Office Kapisda, Block Bamnindih (Project), District Janjgir - Champa Chhattisgarh.
6. The Collector, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner : Shri Sameer Behar, Advocate.

For State/Respondents : Shri Sudeep Agrawal, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.09.2021

Heard.

1. The grievance of the petitioner is that the petitioner was supplying Ready to Eat Food to the Anganbadies since 2012 till date. Pursuant to the advertisement issued by the Respondent No. 3, District Programme Officer, Women and Child Development Department, Janjgir Champa they submitted their application for Karnaud Sector under Bamnindih Project. It is

contented 100 marks was fixed for evaluation of the suitable groups for the said process. He further refers to Annexure P-1 and submits that 4 marks is allotted for maintaining the register and the petitioner was maintaining the register which was verified by Food Inspector but at the time of giving marks, as has been given to others i.e. 4 marks the petitioner has been given 3 marks without any rhyme or reason. Therefore, what is the criteria and under what circumstances petitioner has been given low marks is not clear. Likewise in the other aspect, where some of the prospective tenderer who wanted to open Ready to Eat Food Centre over a government land instead of private or rental premises has been ignored and ignoring all these aspects the provisional list has been issued on 13.07.2021 (Annexure P-1). He submits that since the criteria for giving marks was arbitrarily used though the criteria to give marks were supported by the documentary evidence, deliberate acts were committed by Respondent No. 3 to oust the petitioner with prejudice though they were supplying the Ready to Eat Food from 2012 without any complaint. Under these circumstances, the petitioner has filed an objection (Annexure P-9) and an appeal (Annexure P-10) wherein the criteria for allocation of marks are subject of challenge. It is further submitted that in the meanwhile if the allocation of Ready to Eat Food is made, the appeal would be rendered infructuous and apart from which the criteria under which different marks are allotted needs to be ascertained which needs factual findings of the Collector, therefore he prays that the Collector may be directed to decide the appeal of the petitioner and in the meanwhile the provisional list may not be finalized.

2. Perused the documents and heard learned counsel for the parties.
3. After hearing the learned counsel for the parties, the ground which have been raised by the petitioner appears to be worth consideration, for which

the appeal is pending. If two competitive persons are standing on the same platform, what would be the criteria to grant marks to one as higher against other requires to be ascertained with all fairness and the bench mark to give such marks when perused skill is not involved. Since the petitioner has already filed an appeal (Annexure P-10) wherein the grounds have been raised, the Collector, Janjgir Champa is directed to decide the appeal of the petitioner within a reasonable time, as early as possible according to the convenience, till then the provisional list (Annexure P-1) which has been issued shall not be finalized.

4. With the aforesaid observation, the petition stand disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE

Jyoti