

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4459 of 2021

- Ma Shitla Jyoti Mahila Swa Sahayta Samuh Devkar, Through President, Smt. Sumitra Sahu, W/o Rajendra Sahu, Aged About 48 Years, R/o Nagar Panchayat Devkar, Ward No. 10, P.S. and Tahsil Saja, District : Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Women And Child Development, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Collector, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh
3. District Programme Office, Mahila Evam Bal Vikas Vibhag, District : Bemetara, Chhattisgarh
4. Gayatri Mahila Swa Sahayata Samuh, Mohtara, Bemetara, Through President, Sector Bortala, District-Bemetara, Chhattisgarh

---- Respondents

For petitioner	:	Mrs. Renu Kochar, Advocate.
For State	:	Mrs. Astha Shukla, Panel Lawyer.
For Caveator	:	Mr. Sameer Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/11/2021

Heard.

1. It is submitted by the counsel for petitioner that the petitioner is self help group she was granted order for supply of ready to eat items under Purak Poshan Aahar Yojana on 6.3.2019. The supply was made to 31 Aganbadi Kendras of Dewkar Sector within Block Saja, District-Bemetara. On a complaint against the petitioner to the Collector an inquiry was made. The petitioner was not served with any notice and without giving any proper opportunity of

hearing the agreement of the petitioner with respondents was canceled by order dated 11.6.2021.

2. It is submitted by the counsel for petitioner that State Government has issued a circular dated 3.12.2019 in which guidelines laid down for selection of self help groups and the conduct of business. Clause-7 of the circular very clearly provides for grant of opportunity of hearing in accordance with principle of natural justice before removal of any self help group selected for making supply of ready to eat food. This provision in the clause-7 has not been followed, therefore, the impugned order is not sustainable, hence, petition be admitted for hearing and interim relief be granted.
3. Learned State counsel opposes the petition and submission made in this respect. It is submitted that the circular dated 3.12.2019 provides for appeal against order of removal passed by the authority concerned. In similar case co-ordinate Bench of this Court has passed order dated 10.12.2019 in WPC No.4375.2019 directing the petitioner to approach the appellate authority, hence, the petition is not maintainable which may be dismissed.
4. Considered on the submissions.
5. Perused the documents filed along with the petitions. The circular dated 3.12.2019 issued by the State Government provide for opportunity of hearing in clause-7 of the circular and similarly provides for appeal against the order of removal passed by the concerned authority to District Collector within a period of 30 days. Provision has also been made regarding the manner in which appeal shall be heard and decided. This circular also provides for remedy of second appeal against the order of District Collector.
6. Considering that the petitioner has the remedy available to prefer appeal against the impugned order before District Collector, this petition is disposed off at motion stage. The petitioner is granted

liberty to file appeal before District Collector within a period of 30 days from today along with application for condonation of delay.

7. District Collector i.e. respondent No.2 is directed to hear the appeal in accordance with guidelines as laid down in circular dated 3.12.2019 and disposed off the same in accordance with law.
8. With these observations, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge