
(2012) 01 AHC CK 0270
In the Allahabad High Court
Case No : Writ C No. 51577 of 2011

Dalit Manav Utthan Sansthan

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Citation : (2012) 01 AHC CK 0270

Hon'ble Judges : Pradeep Kumar Singh Baghel, J; Amitava Lala, J

Bench : Division Bench

Judgement

1. So far as the supply of the Mid-day meal by the Government order dated 17.2.2006 is concerned, in Writ -C No. 41732 of 20011, we have passed the order dated 27.7.2011, which is quoted herein below;

2. Petitioners is a non-governmental organization. It has filed this writ petition to obtain an order virtually for the purpose of its continuance of supply of Mid-Day-Meal in respective blocks of district Chandauli. Admittedly, the agreements between the petitioner and the appropriate authority of the State has been terminated by order dated 25.3.2011 passed by respondent No. 2 and order dated 7.7.2011 passed by respondent No. 3. The petitioner wanted to say that this district has been eliminated from such service intentionally when the similar activities are continuing in other districts.

3. Today, Learned Counsel appearing for the Respondent No. 2, the Mid-Day Meal Authority, has produced before this Court a Government Order dated 17th February, 2006, from which it appears that in case the Gram Panchayats or Local Bodies are not in a position to supply the Mid-Day-Meal for any incompetency whatsoever then non-governmental organizations can be called. Initially we thought that it is contrary to the policy of the Government of India but from the communication dated 11th May, 2011 of Member Secretary, National Commission for Protection of Child Rights, Government of India, to Secretary, Basic Education Department, Government of Uttar Pradesh, we find that it was decided in the meeting that the responsibility of Mid-Day- Meals will be withdrawn from NGOs in

Chandauli and it will be given to Gram Panchayats soon. Probably present position shall continue till schools close for summer vacation. In the above connection a request has been made to issue directions to the concerned District Administration for executing the above mentioned decision so as to enable the Gram Panchayats of concerned district to prepare well in advance their requirements with regard to implementation of Mid-Day-Meals. In this letter, it has been further referred that as informed by the Secretary, Basic Education Department, U.P. during the meeting that as per State Government policy, if Gram Panchayat refuses in writing to take responsibility for cooking and distribution of Mid-Day-Meals, then it could be given to NGOs.

4. Against this background, we do not find any legal right on the part of the NGOs, which under normal circumstance render a service for the benefit of the society but not as an individual businessman. When we asked such type of question from Learned Counsel appearing for the petitioner, it was answered that they have invested a huge sum of money with regard to supply of Mid- Day-Meal, therefore, they should not be eliminated from discharging its duties only in respect of one district. We are of the view that this stand also diminishes real intention of the NGOs in discharging its duties for the betterment of the society. However, the appropriate remedy for the petitioners will be there to approach the authorities giving all particulars and in that case the same can be decided in accordance with law. Having so, we do not find any reason to pass any affirmative order in favour of the petitioners. Therefore, the writ petition cannot be admitted, consequently, it is dismissed, however, without any order as to costs."

5. However, so far as this case is concerned, the petitioner voluntarily made a statement, on the basis of the instructions of the representative, one Om Prakash, the President of the Society, before us that he does not want to continue the supply of the mid day meals. Therefore, he is only interested to get back his dues from 1.7.2011 to 15.10.2011. On the other hand, Learned Counsel appearing for the mid-day meal has no objection, if such type of order is passed by this Court.

6. Therefore, in disposing of the writ petition, we direct the authority concerned to pay the dues in terms of Clause 19 of the agreement subject to the adjustment, if any, within a period of two months from the date of communication of this order.

7. The writ petition is disposed of on contest. However, no order is passed as to costs.