
(2019) 05 UK CK 0075
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 85 Of 2018

Somendra Kumar

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 14-05-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 05 UK CK 0075

Hon'ble Judges : Ramesh Ranganathan, CJ; N.S. Dhanik, J

Bench : Division Bench

Advocate : Siddhartha Sah, S.S. Chauhan, Narendra Bali

Final Decision : Disposed Off

Judgement

Ramesh Ranganathan, CJ

1. Pursuant to the order passed by us on 22.04.2019 directing the Project Director to prepare a set of instructions, in consultation with the concerned

officials, for effective implementation of the Mid-day Meal Scheme, to direct each school to strictly adhere thereto, and for periodical inspections to be

caused by a separate inspection staff with a view to satisfy himself that the funds earmarked for this Scheme are not misappropriated/misutilized, an

affidavit is now filed by the Project Director enclosing thereto the Government Order dated 06.05.2019 whereby guidelines were framed for effective

implementation of the Mid-day Meal Scheme.

2. It is stated in the affidavit, now filed by the Project Director, that, immediately after the Government Order dated 06.05.2019 was issued, the

Secretary, School Education had, on the very same day, issued directions to all District Magistrates of Uttarakhand for implementation of the said

guidelines; and he had also sent a form of inspection point/check points to all the District Magistrates of the State of Uttarakhand. A copy of the

Government Order dated 06.05.2019 framing guidelines, and the subsequent letter addressed by the Secretary, School Education, is placed on record.

3. While expressing satisfaction with the guidelines issued by the State Government, for effective implementation of the Mid-day Meal Scheme, Mr.

Siddhartha Sah, learned counsel for the petitioner, would however contend that the Principal of the School, where lapses were found in effective

implementation of the Mid-day Meal Scheme, has been let off with a mere adverse entry.

4. While we find considerable force in the submission of Mr. Siddhartha Sah, learned counsel for the petitioner, that undue lenience shown to those

who have failed to discharge the duties entrusted to them, of effective implementation of the Mid-day Meal Scheme, may well embolden others to be

negligent or to misutilize/misappropriate funds earmarked for the Mid-day Meal Scheme, we must also bear in mind that, in the exercise of its

jurisdiction under Article 226 of the Constitution of India, this Court would, ordinarily, not sit in judgment over the decision of the competent authority in

imposing a punishment. We see no reason, therefore, to now direct the authorities to impose a more stringent punishment on the Principal concerned.

5. Suffice it, in such circumstances, to record that, in the light of the guidelines now issued by the State Government, if any officer is found to be

negligent in the proper implementation of the Mid-day Meal Scheme, the State Government shall consider taking stringent disciplinary action against

such an officer.

6. As guidelines have now been issued for effective implementation of the Mid-day Meal Scheme, we see no reason to keep the writ petition pending

on the file of this Court. The writ petition is disposed of directing the authorities concerned to ensure effective implementation of the guidelines issued

by the State Government.

7. The first respondent may also consider giving wide publicity to the guidelines now framed for effective implementation of the Mid-day Meal

Scheme, so that all stakeholders are made aware of the duties which those, in charge of the Mid-day Meal Scheme, are required to discharge.

8. The writ petition is, accordingly, disposed of. No costs.

9. Let a certified copy of this order be issued to all the parties, on the payment of prescribed charges, within two days.