

S.P. Shrivastava vs The State Of Madhya Pradesh on 21 January, 2022

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Bench: Sushrut Arvind Dharmadhikari

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The High Court Of Madhya Pradesh
WP No. 8726 of 2018
(S.P. SHRIVASTAVA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 21-01-2022
Heard through Video Conferencing.

Shri Aditya Khandekar, learned counsel for the petitioner.

Shri Sourabh Soni, learned Panel Lawyer for respondents No.1 to 4/State.

Shri Greeshm Jain, learned counsel for respondent No.5. Heard finally with the consent of both the parties. By filing the instant writ petition, the petitioner is not challenging any specific order but challenging the inaction on the part of the respondents in not complying with the order dated 22.01.2018 wherein respondent No.2 by setting aside the order dated 23.07.2016 permitted the petitioner to work as a Food Safety Officer within the municipal limits of Bhopal city until the Designated Officer Food Safety Administration, District Bhopal with the consent of Commissioner, Municipal Corporation, Bhopal passes a fresh order. Despite of the said orders, the petitioner is not being permitted to work even though he has submitted multiple representations requesting the authorities to permit him to work but to no avail. Being aggrieved of the same, the present writ petition has been filed.

Shri Greeshm Jain, learned counsel appearing for respondent No.5 as well as Shri Sourabh Soni, learned counsel for the State opposed the innocuous prayer made in the petition. Counsel for the State has pointed out that in para 10 of the return it has been specifically mentioned that the material fact regarding ineligibility of the petitioner to be authorized as Food Safety Officer was not taken into consideration since there is no provision under the Food Safety and Standards Act, 2006 or rules framed thereunder conferring any authority or the Commissioner of Municipal Corporation which has led to passing of the order dated 22.01.2018. Therefore, an application seeking review of the aforesaid order has been filed which is still pending for consideration. Thus, the order dated 22.01.2018 cannot be implemented since the same has not attained finality.

Heard learned counsel for the parties and perused the record. Admittedly, there is no provision of

review under the Food Safety and Standards Act, 2006. The order dated 22.01.2018 is still in force. 1 of 2 1/21/2022, 4:44 PM Firefox <http://172.16.180.43/cishcbom/Demo/menu.php> In view of the aforesaid, respondent No.3 is directed to implement the order dated 22.01.2018 as expeditiously as possible within a period of four weeks' from the date of receipt of certified copy of the order.

Petition stands disposed of with the aforesaid directions.

(S. A. DHARMADHIKARI) JUDGE vc VARSHA CHOURASIYA 2022.01.21 17:30:33 +05'30' 2 of 2
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