

Rahul R Raghuwanshi vs Chief Executive Officer Zilla Parishad ... on 14 June, 2024

Author: Ravindra V. Ghuge

Bench: Ravindra V. Ghuge

1028PIL43-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1028 PUBLIC INTEREST LITIGATION NO. 43 OF 2024

RAHUL R RAGHUWANSHI
VERSUS
CHIEF EXECUTIVE OFFICER ZILLA PARISHAD NANDURBAR AND
OTHERS

...

Mr. A. S. Khandeparkar Senior Advocate a/w Mr. Sujay Gawade, Ms. Sumedha Dhopate, Mudita Pawar and Mansi Sawant, Advocates i/by Shree And Company, Advocate for the Petitioner
Mr. S. J. Salgare, AGP for Respondents 4 & 6/ State
Mr. A. G. Talhar, DSGI for Respondent No.5.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 14th June, 2024

ORDER:

1. We have heard the learned Senior Advocate Shri Khandeparkar along with Advocates Mr. Sujay Gawade, Ms. Sumeda Dhopate, Mudita Pawar and Mansi Sawant, on behalf of the Petitioner.

2. The cause raised is with regard to the health of mal-nourished tribal children and pregnant and lactating women in the underdeveloped area. It is contended that tenders are allotted to such Agencies, who are flouting the provisions of The Food Safety and Standards Act, 2006 in relation to manufacture, sale and distribution of food products in India.

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3. We have perused the report of the learned Registrar (Judicial) dated 22.04.2024, which indicates the public cause raised by the Petitioner, in Paragraph Nos. 3, 4 and 5, which read as under:

"3. Petitioner by filing this petition has sought Writ of Certiorari or any other appropriate Writ, Order or direction in the like nature of Writ of Certiorari to call record and proceedings relating to the E-tender floated by the respondent no. 1 for

supply of multi-micro nutrient supplement granules for the children in the age group of 3-6 years at Anganwadi centers of the tribal area as well as micro nutrient supplement granules for the pregnant and lactating women in the Nandurbar District. He further sought directions to quash and set aside the decision of respondent no. 1 accepting the tender of an unqualified and ineligible bidder in response to the said tender.

4. Petitioner is practicing Advocate at Bombay High Court, Bench at Aurangabad. He has raised the concern about the contravention of rules and statutory provisions by the authorities which may result into health of the mal-nourished tribal children and pregnant and lactating women in the under developed area. According to the petitioner, respondent no. 1- authority had floated the tender process for the said purpose on consecutive three occasions. The initial two processes were dropped and the third process was carried, further, wherein, the bid of respondent no. 2 and 3 were found to be qualified and accordingly accepted for supply of multi nutrients supplements granules as aforementioned. The primary grounds raised for refuting the contentions of acceptance of bids are that, those traders do not possess valid license to sale and or distribute the tender products 1028PIL43-24 under the provisions of the Food Safety and Standards Act, 2006. They do not even hold valid license for manufacture of tender products for domestic sale and distribution. They lack requisite experience in the said area of manufacture and supply of such tender products. Apart from this, various other grounds are assailed, espousing the cause of safety of public health and particularly, of mal-nourished children and pregnant and lactating women in under developed area.

5. Having considered the contentions set out in the petition and the documents placed on record, the cause espoused by the petitioner pertaining to the safety of health of mal-nourished children and pregnant and lactating women in under developed tribal areas is relating to the public health. In my opinion, the petition do constitute public interest and therefore is required to be registered as Public Interest Litigation. The Registry is directed to Register the Public Interest Litigation."

4. Considering the sensitivity involved in the cause raised by the Petitioner and keeping in view that the earlier unsuccessful bidder had approached this Court in Writ Petition No. 14138 of 2023, which Petition was dismissed by judgment dated 18.01.2024, and taking into account the annual income of the Petitioner before us, we are directing the Petitioner to deposit an amount of Rs. One lakh under Rule 7A(i) of the Bombay High Court Public Interest Litigations Rules, 2010 within a period of three weeks.

5. Only after compliance of the above direction, issue notice to Respondent Nos. 1, 4, 5 and 6, returnable 20.07.2024.

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6. The learned AGP waives service of notice on behalf of Respondent Nos.4 and 6. The learned DSGI waives service of notice on behalf of Respondent No.5.

7. All office objections to be removed on or before 1st July, 2024, failing which, the Petition would stand dismissed on 2nd July, 2024 without reference to the Court.

(Y. G. KHOBRAGADE, J.) (RAVINDRA V. GHUGE, J.) JPChavan