



2026:CGHC:13298

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5373 of 2019

Parwati Painkra, W/o Single Painkra, aged about 38 years, R/o Village Chalgali, P.S. Lundra, P.O. Udari, District Surguja, Chhattisgarh. At present working in Govt. Primary School, Chalgali, Block Lundra, District Surguja, Chhattisgarh.

--- Petitioner

Versus

1. Union of India, through Secretary, Ministry of Human Resources Development, Mid Day Meal Scheme, Shastri Bhawan, New Delhi.
2. State of Chhattisgarh, through Secretary, School Education Department (Mid Day Meal Scheme), Mahanadi Bhawan (Capital Complex), New Raipur, Chhattisgarh.
3. Directorate, School Education Department, through Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Chhattisgarh.
4. Collector Surguja, Ambikapur, District Surguja, Chhattisgarh.
5. District Education Officer, Ambikapur, District Surguja, Chhattisgarh.
6. Block Education Officer, Block Lundra, District Surguja, Chhattisgarh.

--- Respondents

AND

WPS No. 5657 of 2019

1. Sanjho, W/o Chandar, aged about 35 years, R/o Village Karoli, Police Station Dhaurpur, Post Office Katora, District Surguja, Chhattisgarh. At present worked in Govt. Primary School, Pakerpara, Karoli, Block Lundra, District Surguja, Chhattisgarh.

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2. Samudri Paikra, W/o Rajan Paikra, aged about 35 years, R/o Village Bulga, Police Station & Post Office Lundra, District Surguja, Chhattisgarh. At present working in Govt. Primary School, Bulga, Saraipara, Block Lundra, District Surguja, Chhattisgarh.
3. Sumitra, W/o Dhanushdhari, aged about 30 years, R/o Village Bulga, Police Station & Post Office Lundra, District Surguja, Chhattisgarh. At present working in Govt. Primary School, Bulga, Block Lundra, District Surguja, Chhattisgarh.
4. Munaro, W/o Jairam, aged about 31 years, R/o Village Batwahi, Police Station Lundra, Post Office Raghunathpur, District Surguja, Chhattisgarh. At present working in Govt. Girls Middle School, Batwahi, Block Lundra, District Surguja, Chhattisgarh.
5. Sumati Manikpuri, W/o Subedas Manikpuri, aged about 29 years, R/o Village Khalpodi, Police Station & Post Office Lundra, District Surguja, Chhattisgarh. At present working in Primary School, Dadpara, Khalpodi, Block Lundra, District Surguja, Chhattisgarh.
6. Fulbaso, W/o Kunwar Maravi, aged about 48 years, R/o Village Khalpodi, Police Station & Post Office Lundra, District Surguja, Chhattisgarh. At present working in Primary School, Khalpodi, Block Lundra, District Surguja, Chhattisgarh.
7. Durga Yadav, W/o Dularsai, aged about 31 years, R/o Village Dhaupur (Dhobipara), Police Station & Post Office Dhaupur, District Surguja, Chhattisgarh. At present working in Govt. Primary School, Dhaupur, Block Lundra, District Surguja, Chhattisgarh.
8. Arjhat Ram, S/o Luthru, aged about 50 years, R/o Village Chalgali, Police Station Lundra, Post Office Udari, District Surguja, Chhattisgarh. At present working in Govt. Middle School, Chalgali, Block Lundra, District Surguja, Chhattisgarh.
9. Suputri, W/o Arjhat, aged about 47 years, R/o Village Chalgali, Police Station Lundra, Post Office Udari, District Surguja, Chhattisgarh. At present working in Primary School, Chalgali, Block Lundra, District Surguja, Chhattisgarh.
10. Dhanmet, W/o Ramprasad, aged about 48 years, R/o Village Karesar, (Kumhipara), Police Station & Post Office, Lundra, District Surguja, Chhattisgarh. At present worked in Govt. Primary School, Sasadad, Block Lundra, District Surguja, Chhattisgarh.

--- **Petitioners**

Versus

1. Union of India, through Secretary, Ministry of Human Resources Development, Mid Day Meal Scheme, Shastri Bhawan, New Delhi.

(WPS Nos.5373/2019 & 5657/2019)

2. State of Chhattisgarh, through Secretary, School Education Department (Mid Day Meal Scheme), Mahanadi Bhawan (Capital Complex), New Raipur, Chhattisgarh.
3. Directorate, School Education Department, through Director, School Education, Shiksha Parisar, Pension Bada, Raipur, Chhattisgarh.
4. Collector Surguja, Ambikapur, District Surguja, Chhattisgarh.
5. District Education Officer, Ambikapur, District Surguja, Chhattisgarh.
6. Block Education Officer, Block Lundra, District Surguja, Chhattisgarh.

--- **Respondents**

For Petitioners	: Miss Priyanka Mehta, Advocate.
For Respondents No.2 to 6	: Mr. H.A.P.S. Bhatia, Panel Lawyer.

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/03/2026

1. Since common question of law and fact is involved in both these writ petitions, they were clubbed together and heard analogously and are being disposed of by this common order.
2. These two writ petitions are directed against order dated 23-10-2018 (in WPS No.5373/2019) and order dated 5-6-2018 (in WPS No.5657/2019) by which the representations submitted by the petitioners for grant of 'equal pay for equal work', has been rejected.
3. This is the second round of litigation. In the first round of litigation, this Court directed the competent authority/State Government to consider the representations of the petitioners and pass detailed order. Accordingly, representations were made and orders have been

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passed rejecting the representations against which these two writ petitions have been filed.

4. Miss Priyanka Mehta, learned counsel appearing on behalf of the petitioners, would submit that the respondents are absolutely unjustified in rejecting the representations and it is perverse to the record in light of the decision of the Supreme Court in the matter of **State of Punjab and others v. Jagjit Singh and others**¹.

Therefore, the petitioners are entitled for grant of 'equal pay for equal work'.

5. Mr. H.A.P.S. Bhatia, learned State counsel appearing on behalf of respondents No.2 to 6, would submit that the petitioners were engaged as Cooks by self-help groups on temporary basis and no setup regarding this, is approved either by the State Government or by the Central Government. He would further submit that in about 95% of the schools of the State, the Mid Day Meal Scheme is being run through local self-help groups and Cooks are appointed by the organising group from among the members of their own group or on the basis of the decision taken in the Gram Sabha. He would also submit that no appointment letter for Cook is issued by the State Government and the Cook engaged under the Mid Day Meal Scheme is neither a daily wage employee nor is working at the rate fixed by the Collector, as such, all the attached Cooks including the petitioners herein are hired by the self-help groups as per the criteria set by the Central Government and in case of complaint if the work is

¹ (2017) 1 SCC 148

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not satisfactory, the Cooks can be removed by the self-help groups. Therefore, the representations submitted by the petitioners have rightly been rejected and in that view of the matter, the present writ petitions are liable to be dismissed.

6. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
7. Pursuant to the order passed by this Court, representations were made by the petitioners and same were rejected by the impugned orders. Paragraphs 7 & 8 of the impugned orders rejecting the representations of the petitioners state as under: -

7. उपरोक्त बिंदु क्रमांक-4 में उल्लेखित भारत सरकार के पत्र अनुसार छात्र संख्या के अनुपात में रसोइया रखने का प्रावधान है । इसके अंतर्गत -

01. 25 बच्चे पर 01 रसोइया ।

02. 26 से 100 बच्चों के लिए 02 रसोइया ।

03. 100 से उपर प्रत्येक 100 बच्चों पर 01 अतिरिक्त रसोइया रखे जाने का प्रावधान है ।

8. इस योजना के अंतर्गत रसोइयों को स्व-सहायता समूह द्वारा नितांत अस्थायी तौर पर संलग्न किया जाता है। इस हेतु राज्य अथवा केन्द्र सरकार के द्वारा कोई सेट-अप स्वीकृत नहीं है। राज्य की लगभग 95 प्रतिशत शालाओं में मध्याह्न भोजन योजना का संचालन स्थानीय महिला स्व-सहायता समूह के माध्यम से किया जा रहा है तथा रसोइयों को संचालनकर्ता समूह के द्वारा स्वयं अपने समूह के सदस्यों में से अथवा ग्रामसभा में लिए गए निर्णय के आधार पर कार्य पर रखा जाता है। राज्य शासन की ओर से रसोइया के लिए कोई नियुक्ति पत्र जारी नहीं किया जाता है। अतः स्पष्ट है कि मध्याह्न भोजन योजना के अंतर्गत रसोइया न तो दैनिक वेतनभोगी कर्मचारी है और न ही कलेक्टर द्वारा निर्धारित दर पर कार्यरत है। सभी संलग्न रसोइया केन्द्र शासन के निर्धारित मापदण्ड के अनुसार योजना के संचालनकर्ता समूह (Self Help Group) द्वारा रखे जाते हैं तथा कार्य संतोषप्रद नहीं होने पर शिकायत की स्थिति में रसोइयों को स्व-सहायता समूह द्वारा हटाया भी जा सकता है।

8. A careful perusal of paragraphs 7 & 8 of the impugned orders would show that the petitioners were engaged by the self-help group and

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there is no setup of sanction regarding their engagement either by the State Government or by the Central Government and they are engaged by the self-help group for Mid Day Meal Scheme in the schools. As such, they are not the employees of either the State Government or the Central Government, either daily wagger or otherwise, as they are engaged by self-help group and, therefore, the State Government has rightly rejected the representations submitted by the petitioners. Furthermore, the finding recorded by the State Government could not be contradicted by the learned counsel appearing for the petitioners. In that view of the matter, both the writ petitions are dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge