



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPPIL No. 75 of 2023**

In the matter of Suo Moto Public Interest Litigation

**versus**

The Chief Secretary & Others

**Order Sheet**

<b>17/09/2025</b>	<p>This is an office reference.</p> <p>Heard Mr. Siddharth Dubey, Mr. Ishan Verma and Mr. Amiyakant Tiwari, learned Court Commissioners appointed by the Court. Also heard Mr. Yashwant Singh Thakur, learned Additional Advocate General appearing for the State, Ms. Anmol Sharma, learned Central Government Counsel, appearing for Union of India as well as Mr. Ashish Tiwari, learned counsel appearing for the Municipal Corporation, Bhilai-Charoda.</p>

Learned State counsel submits that this Court, vide order dated 26.08.2025, had directed the Chief Secretary of the State of Chhattisgarh, to file his personal affidavit.

In compliance thereof, the Chief Secretary, has filed his personal affidavit on 13.09.2025, which is on record. The relevant portion of the said affidavit reads as under:

“2. It is most humbly submitted by the deponent that vide order dated 09.09.2025 instructions have been issued to all the stake holders for preparing and serving the food/edible items on the following points:

**Food Safety Protocol.**

a) Daily tasting and certification by teachers/wardens before serving the food.

b) Maintenance of "Tasting Register" signed by Teacher and Chef.

**Kitchen and storage hygiene.**

(a) Kitchens and store rooms will be inspected by designated officers at

regular intervals.

b) Chemicals (such as phenyl, insecticides, detergents, kerosene) should be stored separately away from food storage and eating areas.

c) Locks and seals containers for grains, pulses, oils and vegetables.

**Supervision and accountability.**

a) Appointment of nodal officer in each district security to monitor food schools/hostels/anganwadi centres.

b) To fix personal accountability of the Head Master/Principal/Warden for lapses.

**Security and access control.**

a) Restriction of unauthorised persons from entering the kitchen premises during and after cooking.

b) Install CCTV cameras in the kitchens and dining areas of residential schools/big hostels as far as possible. Various locally available items can also be used for this.

c) Surprise inspection.

**Training and awareness,**

a) Regular training of cooks, helpers and staff on food safety, hygiene and handling of chemicals.

B) To alert teachers and staff to immediately report suspicious activity.

**Medical preparations**

a) First aid kits and basic antidotes should be made available in all hostels/schools.

b) Tie-up should be made with the nearest Primary Health Centre/ Community Health Centre for emergency medical assistance.

c) Mock drills should be conducted on emergency response in case of food poisoning.

**Community and parent involvement.**

a) The state government is organising parent-teacher meetings in all schools. In these meetings, a parent-teacher monitoring committee should be formed for food security and

should be reviewed at regular intervals.

**Criminal liability.**

a) Any incident of deliberate contamination of food should be immediately reported to the police and an FIR should be registered under relevant provisions of IPC/BNS.

**Reporting Mechanism.**

a) A state-level helpline or complaint mechanism to report food quality/safety deficiencies.

b) Mandatory reporting of every incident, matter how small, to the District Education Officer and Collector.

**Regular audits and reviews.**

a) Quarterly / Half-yearly / Annual Independent Account Audit of Mid Day Meal/Hostel Food Schemes by Food Safety Officers.

It is directed that the above instructions should be followed with full alertness and responsibility. If any kind of laxity is found, the

strict action will be taken. Copy of order dated 09.09.2025 is filed herewith as **ANNEXURE D/1**.

3. It is most humbly submitted that in compliance of the Hon'ble Court's order dated 19.08.2025, the State has already paid amount of Rs. 25,000/- to each of the student, who had consumed the meal soiled by dog. Copy of document regarding payment of amount is filed herewith as **ANNEXURE D/2**.

4. It is respectfully submitted that in the Incident of Pakela Residential Potacabin School, the Collector, Sukma vide order dated Superintendent, Sukma, 26.08.2025 directed the Residential School Potacabin Pakela, Distt Sukma to register the criminal case in the police station. Copy of order dated 26.08.2025 is filed herewith as **ANNEXURE D/3**. The Police has registered the offence and the investigation in The Police has the matter is going on.

5. It is further submitted that as per direction of the Collector, Sukma, a three members committee has also conducted an enquiry and recorded the statement of the school staff, peon, students and workers, in which it is

found that the Phenyl has been contaminated in the meal, but it could not be found that who has contaminated the Phenyl in the meal. Copy of enquiry report with statements are filed herewith as **ANNEXURE D/4**.

6. It is submitted that the Police, during the investigation, arrested Shri Dhananjay Sahu, Teacher (L.B.), Boys Residential School Potacabin Pakela. Vide order dated 27.08.2025 Shri Dhananjay Sahu has been suspended by the Collector/District Mission Director, Samgra Shiksha, Sukma. Copy of order dated 27.08.2025 is filed herewith as **ANNEXURE D/5**.

7. That, vide Collector/District Shiksha, Sukma orders dated 27.08.2025 Mission Director, the Samgra attached the services of the Superintendent and Assistant Superintendent, Boys Residential Potacabin Pakela in the office of District Project Office, Samgra Shiksha Sukma. Copy of orders dated 27.08.2025 are filed herewith as **ANNEXURE D/6**.”

From a perusal of the above affidavit, it appears that an FIR has been registered against one

Shri Dhananjay Sahu, Teacher (L.B.), Boys Residential School, Potacabin Pakela, and by order dated 27.08.2025, he has been placed under suspension by the Collector/District Mission Director, Samagra Shiksha, Sukma.

Certain steps have also been taken by the Chief Secretary, as is evident from the affidavit filed along with the enclosures. However, it is difficult for this Court to comprehend that, despite all these measures as narrated by the Chief Secretary, yet another incident occurred on 13.09.2025, wherein a Headmaster, after tasting the food prepared, started vomiting which has been reported in Hindi Daily, Navbharat on 13.09.2025 with a heading “भोजन में सड़े-गले टमाटर, हरी मिर्च की चटनी, खाते ही एचएम को उल्टी, and sub-headings “नियमानुसार स्कूल की प्रधान पाठक ने चखा तो पता चला”, “मिडिल स्कूल मंगला का मामला घबराए बच्चों ने फेंकी चटनी,” “समूह के खिलाफ ढेरों शिकायतें फिर भी नहीं हो रही कार्रवाई”.

The aforesaid news report goes to state that

the incident occurred at 2:00 p.m. at the Government Pre-Secondary School, Mangla, where preparations were underway to serve the mid-day meal to the children. In accordance with government procedure, the Headmistress, Savitri Sharma, was first asked to taste the food. Upon doing so, she found a chili stem emitting a foul smell, and the tomato used in the chutney was also rotten. Immediately thereafter, she began vomiting, which caused panic in the school. By that time, the mid-day meal had already been served to the students. However, most of them had not consumed the chutney and had only eaten rice and *dal*. On receiving information that the Headmistress had fallen ill, the students discarded their meals, and consequently, no untoward incident occurred with them.

The mid-day meal at the said school is served by the Kalyani Self-Help Group, against whom several complaints of serving substandard food have been made. On an earlier occasion, insects were

found in the food served to the children. A written complaint, along with a video recording of the incident, was submitted by the students and parents to the Block Education Officer (BEO), Sunita Dhruv. Nevertheless, no action was taken against the group, and under the guise of conducting an inquiry, the BEO merely subjected the teachers to harassment and allowed the matter to lapse.

It has further been reported that out of 200 enrolled students, only 75 partake in the mid-day meal due to its poor quality, which has adversely affected the health of children. Parents have, therefore, submitted a written request to the school authorities not to serve meals to their children. The BEO is stated to be aware of this, yet no action has followed. Parents have also consistently demanded that the meal be supplied through the Central Kitchen instead of the said group. The Kalyani Self-Help Group has been managing the mid-day meal at the school for nearly two decades, during which

several complaints have arisen against it. On a previous occasion, when the then Headmistress raised a complaint regarding the poor quality of food, members of the group allegedly threatened her with death, leading to the registration of an FIR. Owing to political patronage, no action has been taken by the authorities against the said group, thereby continuing to endanger the health of the students.

This further indicates that the situations of the serving of the meals in the schools in the State are not in order. Though steps are being taken by the State, they do not appear to be yielding any fruitful results.

We hope and trust that the Chief Secretary shall continue to monitor such incidents which are reported from time to time through print / electronic or social media and shall further ensure that the directions / guidelines issued by him are followed by the stakeholders in letter and spirit.

The Chief Secretary, Government of Chhattisgarh, shall further file his affidavit with respect to the above news item published in Navbharat Times on 13.09.2025.

Learned State counsel further submits that this Court, vide order dated 19.08.2025, had also directed the Joint Secretary, Government of Chhattisgarh, Department of Women and Child Development to file his personal affidavit.

In compliance thereof, the Deputy Secretary, Government of Chhattisgarh, Department of Women and Child Development has filed his personal affidavit on 15.09.2025, which is on record. The relevant portion of the said affidavit reads as under:

“3. It is respectfully submitted that the Anganbadi Center situated in Ward No. 34 Sant Vinoba Nagar Chhatamuda, Tahsil Pussaur, Distt. Raigarh was constructed in the year 2005-06. That vide letter dated

21.11.2024 letter was sent to the Executive Engineer, Public Works Department, Raigarh to declare the Anganbadi Center situated. in Sant Vinoba Nagar Chhatamuda as unfit for use. Thereafter, the Anganbadi building was not being used as Anganbadi Center. The Anganbadi Center is being run in private building owned by one Smt. Anita Dutta, on rent.

3. It is submitted that the building of Anganbadi Center at Sant Vinoba Nagar Chhatamuda was claimed to be land of one Rama Bai Chouhan in the Revenue Court of Tahsildar. The Revenue Court allowed the application of Rama Bai Chouhan and ordered for removal of Angan Badi building. In compliance of the order passed by the Tahsildar dated 30.06.2025, a revenue team on 17.08.2025 proceeded for demolition of the Anganbadi building and handing over the land to Bhumiswami Rama Bai Chouhan. However, due to opposition by the public, the action of removal of the building was postponed.

4. It is respectfully submitted that the Anganbadi Center Keramuda Gram Panchayat Narayanpur was constructed in the year 2012-

13. Presently the building is in dilapidated condition and therefore, is not being used as Anganbadi Center. Anganbadi Center is being run in a private building, on rent. Construction of new Anganbadi Center building is under consideration.

5. A copy of chart showing the Anganbadi Centers being run either on a government building or on private building on rent is in District Raigarh is filed herewith as ANNEXURE X/1. The Anganbadi Centers are being run. on rent or on other government building is due to the Anganbadi building is in dilapidated condition.”

The list which have been annexed in the affidavit filed by the Deputy Secretary goes to show that out of total 231 Anganwadi Centre, only three buildings are owned by the Government and whereas remaining other are being run on rented premises.

In such situation, we hope and expect that the State shall make endeavours to run the Anganwadi Centers in the buildings owned by the State or to get

new buildings constructed.

In view of the above, let the matter be listed again on **28.10.2025** for consideration of the affidavit to be filed by Chief Secretary of the State of Chhattisgarh.

Learned State counsel shall communicate this order to the Chief Secretary, Government of Chhattisgarh, for information and necessary action, if any, forthwith.

**Sd/-  
(Bibhu Datta Guru)  
Judge**

**Sd/-  
(Ramesh Sinha)  
Chief Justice**