

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 171 of 2012

Court on its own Motion... .. Petitioner

Versus

State of Jharkhand and others Respondents

CORAM: HON'BLE MR. JUSTICE D. N. PATEL
HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner: Mr. Piyush Poddar

For the Respondents: M/s. B. Poddar (A.G.), Jai Prakash (A.A.G.)

27/Dated: 29th June, 2015

Per D.N. Patel, J

1) Learned Advocate General appearing for the State submitted that in pursuance of the order passed by this Court dated 23rd June, 2015, instructions have been taken from the State to the effect that in 24 districts of the State of Jharkhand and for a population of approximately 3.25 crores, there are only **08 Food Safety Officer** posts sanctioned by the State, out of which **03 is filled up** and **05 are vacant**. It is further submitted by the learned Advocate General of the State of Jharkhand that Officer, namely Ramesh Kumar, Joint Secretary, Department of Health, State of Jharkhand, is present and he submits that Medical officers, who are MBBS Degree Holders, are taking food samples i.e. samples of milk, oil, etc.

2) The aforesaid situation is very alarming and this is a very pathetic situation in the State of Jharkhand! Perhaps, nowhere in the whole of the country, the Medical Officers, who are MBBS Degree Holders, are taking samples of milk, oil and other edible items. The high ranking administrative officers of the State should open their eyes wide enough that such a work cannot be taken from the Medical Officers. More number of Food Inspectors or Food Safety Officers, minimum 250 posts, are required in the State of Jharkhand looking to the 24 districts and the population of this State.

3) It appears that nobody has applied the mind properly. The indifferent approach in the State of Jharkhand is continuing since long. Every time this Court cannot give guidance. Immediate meeting will be called by the Chief Secretary of the State of Jharkhand. Comparative study of the prevailing situation in other progressive States of this country is to be studied. Perhaps, in the State of Jharkhand for the officers in the Department of Health requires proper programme for

study with the help of good resource person from the country.

4) We, therefore, direct the Chief Secretary of the State of Jharkhand to file an affidavit in this matter by the next date of hearing about the future action plan for effective implementation of the Food Safety and Standards Act, 1006 and the rules made thereunder.

5) Copy of this order will be sent by the Registrar General initially by Fax and thereafter by registered post to the Chief Secretary of the State of Jharkhand.

6) Due to lack of Food Safety Officers, Doctors in the State has to take samples of milk, oil and other edible items. Public at large is vitally interested in the analysis of the food articles in the State of Jharkhand. This writ petition is of the year 2012. It is submitted by the counsel for the State that files are moving here & there in the Government. Nobody has taken any final decision and no Secretary is pursuing their own file. This is an indifferent approach on the part of the Secretary of the concerned Department. This indifferent approach must be shedded forthwith. This type of approach of the concerned Secretary is highly dangerous and injurious to the health of the public at large of the State of Jharkhand. There must be not less than 10000 shops for the milk in the State of Jharkhand. There must be not less than 10000 shops of oil, etc in the State of Jharkhand. All these shops and other shops of several other edible items cannot be monitored by the 08 Food Safety Officers, out of which 05 posts are vacant and those who are working are going to retire in the couples of years. If this Court is not taking any action, then, perhaps, there will be "Zero" Food Safety Officer after 3-4 years in the State of Jharkhand and all Medical Officers, who are holding MBBS degree, will be moving on a road for collecting samples of milk and oil. This is what is the vision of the Secretary of the concerned Department. Good foresight is required instead of a limited vision by the State. It appears that the State requires good spare of spectacles to see the difficulties of the public at large.

7) This matter is adjourned to be enlisted on **6th July, 2015.**

(D. N. Patel, J)

(Ratnaker Bhengra, J)