

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3854 OF 2021

Anganwadi Karmachari Sanghatana and ors.... Petitioners

vs.

Union of India and ors. ... Respondents

Ms. Gayatri Singh, Senior Advocate i/b Ms, Meenaz Kakalia, Advocate for the Petitioners.

Mr. R. V. Govilkar a/w Mr. Mayuresh S. Lagu, Mr. D. P. Singh, Advocate for Respondent No. 1 – Union of India.

Mr. B.V. Samant, AGP for State.

CORAM : A. K. MENON , J. &

M.S. KARNIK , J.

DATED : 5th JULY, 2022

P.C. :

1. On 14/12/2021, this Court after hearing the parties directed the respondent no. 3 not to initiate any action against Anganwadi workers for failure to fill in particulars in the Poshan Tracker App in English language. In the meanwhile, the earlier order dated 09/08/2021 remained in force till further orders. The Court expressed a view that first respondent – Union of India should come up with practical solution. Thereafter the matter listed on 01/07/2022 when learned counsel for the respondent no. 1 sought further time to place on record progress made in the matter.

2. It is not in dispute today and as fairly admitted by Mr. Samant, learned AGP appearing on behalf of the State that the programme does not have an option for entry of data for Aadhar seeding in Marathi language but submits that the State has requested the members to reply this deficiency.

3. It is seen that as late as 15/06/2022, the Ministry of Women and Child Development had addressed a letter to the Chief Secretaries of all States and Union Territories informing them that allocation of funds under the SNP and Foodgrains under WBNP would be on the basis of number of Aadhaar authenticated beneficiaries available in the Poshan Tracker from the current financial year onwards and that the States should ensure that exercise of updating the Aadhar seeding of beneficiary data in Poshan Tracker is completed latest by 15/07/2022. In view of the unavailability of Marathi language in option Aadhar seeding entries have not been completed.

4. On behalf of the Union of India, Mr. Govilkar states that this deficiency has been communicated to the concerned authority, likewise, the States have also informed the authorities about this deficiency and that it requires rectification. However, there is risk that beneficiaries may not be allotted food at Anganwadi centres in the State for want of Aadhar seeding contemplated in the letter dated 15/06/2022. The State has on its part acted on this communication by issuing letter on 22/06/2022 to the District Programme Officers, all Zilla Parishads and Child Development Project Officers, Urban

Projects. In the light of the above, we believe that allotment of foodgrains should not be effected till such time, this deficiency is rectified. We are of the view that ad-interim relief is required to be granted in terms of prayer clause (c) in addition to the ad-interim relief already granted earlier. Accordingly, we pass the following order.

ORDER

(i) There shall be ad-interim relief in terms of prayer clause (c) which is reproduced below till further orders.

"(c) That pending hearing and final disposal of this Petition this Hon'ble Court be pleased to issue directions to the Respondent Nos. 1 and 3 to refrain from withholding the allotment of food grains to Anganwadi Centres within the State on the basis of the functioning and use of POSHAN Tracker Application."

(ii) In the meantime, the respondent no. 1 shall take immediate steps to rectify this deficiency and ensure that regional language options are activated in the software within three months from today.

(iii) Liberty to apply, if so advised.

(iv) All concerned to act on an authenticated copy of this order.

(M. S. KARNIK, J.)

(A. K. MENON, J.)