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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF NOVEMBER, 2023

PRESENT

THE HON'BLE MR JUSTICE K.SOMASHEKAR

AND

THE HON'BLE MR JUSTICE RAJESH RAI K

WRIT APPEAL NO. 1417 OF 2023 (GM-RES)

BETWEEN:

K.R. PETE AND PANDAVAPURA TALUK MSPC
HAVING THEIR OFFICE AT:
NO. 688/1700, K.R.S ROAD,
PANDAVAPURA TOWN,
PANDAVAPURA, MANDYA,
KARNATAKA-571 435.
REPRESENTED BY ITS PRESIDENT:
SMT. P HEMAVATHI,
W/O H.S.HEMANTH KUMAR,
AGED ABOUT 35 YEARS,
(THE KARNATAKA SOCIETIES REGISTRATION ACT,
1960)

...APPELLANT

(BY SRI. K.S.PONNAPPA, ADVOCATE FOR
SRI. MAHESHA B, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY,
STATE OF KARNATAKA,
THE DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
OFFICE AT: 1ST FLOOR, M.S BUILDING,
DR. B.R AMBEDKAR VEEDHI,
BANGALORE-560 001.





2. THE DIRECTOR
STATE OF KARNATAKA,
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
OFFICE AT: 1ST FLOOR, M.S BUILDING,
DR. B.R AMBEDKAR VEEDHI,
BANGALORE-560 001.
3. UNDER SECRETARY
UNION OF INDIA,
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
OFFICE AT: SHASTRI BHAVAN,
NEW DELHI-110 001.
4. HARIHARESHWARA MAHILA UDYOGA
MATTU SEVA SANGHA
REPRESENTED BY ITS PRESIDENT,
OFFICE AT: SURVEY NO. 125/2B, BEKINA
KALMATHAYANE, YALAVATTI VILLAGE,
SHIVAMOGGA-577 203.

...RESPONDENTS

(BY SRI. VIKRAM HUILGOL, AAG FOR R1 & R2;
SRI. H.SHANTHI BHUSHAN, DSGI FOR R3;
SRI. ARJUN SARATHY.V, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO a)SET ASIDE THE ORDER
DATED 03.11.2023 PASSED BY THE HON'BLE SINGLE JUDGE IN
WP No-24326/2023.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, **K.
SOMASHEKAR J., AND RAJESH RAI J.**, DELIVERED THE
FOLLOWING:

JUDGMENT

This intra Court appeal arises from the order dated
03.11.2023 passed by the learned Single Judge, by which the
writ petition preferred by the petitioners challenging the



guidelines dated 21.10.2023 bearing file No.WCD/ICDS/MSPT/5/2023 and letter dated 31.10.2023 bearing No. WCD/ ICDS/MSPT/5/2023 - Comp No. 993642 issued by the respondent No.2 came to be disposed of with the findings that -

"The government orders issued by the respective departments dated 21.10.2023 and 31.10.2023 are therefore, in tune with the order passed by this Court dated 27.05.2022 and that of the Apex Court dated 18.07.2022. Therefore, the government orders or the circular which seeks to implement the judgment of the Division Bench as affirmed by the Apex Court, is unentertainable.

However in so far as prayer (c) is concerned, the learned Single Judge reserved the liberty to Central Government or the State Government to work out the feasibility, in case need arises."

2. The petitioner, who is a Mahila Supplementary Production Training Centre (for short 'MSPTC) involved in supplying the food products to the Anganwadi centres, approached this Court being aggrieved by the circular and letter



dated 21.10.2023 and 31.10.2023 respectively vide Annexures-
A and B.

3. Before we advert to the rival contentions, we deem it necessary to refer to the earlier proceedings that have taken place before this Court, in order to understand the *locus* of the appellant is concerned.

A batch of writ petitions (PIL) were filed before this Court by various social activists and also MSPTCs summarily they pleaded as follows :

a) Direct the Respondent Nos.1 to 3 to enroll every child from the age group of 06 months-6 years, pregnant women, lactating mothers and adolescent girls who are entitled to be beneficiaries of the ICDS Scheme in Karnataka.

b) Direct the Respondent Nos.1 to e to provide Take Home Ration in the form of micronutrient fortified food to children from 06 months-3 years, pregnant women, lactating mother and adolescent girls as prescribed by the Revised Nutritional and Feeding Norms on Supplementary Nutrition dated 24.02.2009 bearing number F.No.5-9/2005/ND/Tech (Vol-II) (Annexure "B") as modified by the Revision of Cost Norms for Supplementary Nutrition dated 06.10.2017 bearing No.CD-I-11/2/2016-CD.I (Annexure "C").

c) Scrap the existing system of nominating the suppliers to make the suppliers to make the supplies to the MSPTCs under the ICDS Scheme and implement the uniform process throughout the State of Karnataka;



d) Direct the Respondent Nos.1 to 3 to formulate the guidelines for the digital monitoring of manufacturing of SNP food to ensure the SNP food supplied to beneficiaries are in compliance with the Revised Nutritional and Feeding Norms on Supplementary Nutrition dated 24.02.2009 bearing number F.No.5-9/2005/ND/Tech(Vol.II) (Annexure "B").

e) Direct the Respondents to strictly comply with the Technical Report dated 19.08.2021 bearing No.:TT/ICDS Corr/21 (Annexure "N") without any deviation in terms of procurement, processing, fortification, supply and hygienic practice in the letter and spirit.

f) Direct the Respondents to implement the Technical Committee Report dated 19.08.2021 bearing No.TT/ICDS Corr/21 (Annexure "N") as per guidelines specified therein so as to procure the quality raw materials to manufacture and supply the nutrition as per the said report by giving effect to the Government Order No.MMR 04 ICD 2020 (Part-I) dated 05.05.2021 (Annexure "J").

g) Pass such other directions or orders that this Hon'ble Court may deem fit, in the interests of justice.

The Co-ordinate Bench of this Court was pleased to dispose these Public Interest Litigations with the findings as mentioned below:

FINDINGS

17. We have given our anxious consideration to the rival submissions and perused the material on record.

18. As rightly contended by the learned Senior counsel appearing in W.P.No.11004/2020 and W.P.No.15767/2021, the impugned orders dated 15.05.2021 and 20.05.2021, whereby the circular



dated 02.07.2020 and Government order dated 05.05.2021 respectively are sought to be withdrawn are illegal, arbitrary and vitiated and the same deserve to be quashed for the following reasons:-

(i) The material on record discloses that as per the ICDS scheme as well as the Central Government Norms dated 24.02.2009 and 2017 Rules and directions issued by the Apex Court pertaining to implementation of the scheme, the State government issued an order dated 24.02.2018 which was stayed by this Court. A perusal of the circular dated 02.07.2020 and Government order dated 05.05.2021 as well as the technical committee report dated 19.08.2021, the feasibility for the MSPTCs to tie up with BIS licenced / certified women self help groups such as the petitioners has been recognised, acknowledged and - 34 - recommended by the State Government bearing in mind the objectives of the scheme, Apex Court directions and the relevant norms / rules. It is therefore clear that the impugned orders dated 15.05.2021 and 20.05.2021 purporting to withdraw the circular dated 02.07.2020 and Government order dated 05.05.2021 are illegal, arbitrary and deserve to be quashed.

(ii) A perusal of the impugned orders dated 15.05.2021 and 20.05.2021 clearly indicates that the same are completely unreasoned, non-speaking, cryptic, laconic and arbitrary orders which have been passed unconditionally and unilaterally without assigning any reasons and without any application of mind, thereby being violative and contrary to the principles of natural justice and on this ground also, the impugned orders deserve to be quashed.

(iii) A perusal of the circular dated 02.07.2020 and Government order dated 05.05.2021 indicates that the same were issued in conformity and pursuant to the National Food Security Act r/w SNP Rules, 2017 as well as the directions issued by the Apex Court regarding implementation of the ICDS



scheme which is meant for pregnant women, children, lactating mothers etc., and - 35 - consequently, withdrawal of the said circular and Government order by passing the impugned orders will substantially delay the implementation of the ICDS scheme in the State of Karnataka and as such, the impugned order deserve to be quashed.

(iv) It is also relevant to state that taking into account larger public interest involved in speedy implementation of the ICDS scheme, of which, pregnant women, children, lactating mothers etc., are the beneficiaries, it was absolutely essential that the circular dated 02.07.2020 and order dated 05.05.2021 are implemented and given effect to at the earliest without any delay and under these circumstances, issuance of the impugned orders seeking to withdraw the said circular and order will cause great prejudice and hardship to the beneficiaries of the ICDS scheme and consequently, the impugned orders deserve to be quashed on this ground also.

(v) Insofar as the defence of the State Government that the impugned orders were passed since the circular dated 02.07.2020 and the Government order dated 05.05.2021 were contrary to the directions issued by the Apex Court and failure on the part of the women self help - 36 - groups to comply with the requirements of the said circular and order is concerned, it is significant to note that the said circular dated 02.07.2020 and Government order dated 05.05.2021 indicate that all relevant and material facts including the directions of the Apex Court, the objectives sought to be achieved by the ICDS scheme, earlier government orders, notifications, rules, norms etc., have been considered and taken into account while issuing the said circular and order and consequently, the said contention of the respondents - State is devoid of merit and is liable to be rejected.

(vi) Insofar as the contention of the respondents - State that the women self help groups have not complied with the terms and conditions of the



circular dated 02.07.2020 and Government order dated 05.05.2021 is concerned, the material on record discloses that as directed by this Court, the petitioners have filed affidavits along with documents which indicate that all the terms and conditions prescribed in the said circular and order have been fulfilled and complied with by the petitioners and as such, the said contention urged by the respondents – State is also liable to be rejected.

(vii) The respondents have completely failed to substantiate that the circular dated 02.07.2020 and Government order dated 05.05.2021 were contrary to the directions issued by the Supreme Court.

(viii) Insofar as the contention advanced by the respondents – State that Section 21 of the General Clauses Act enables them to withdraw the circular dated 02.07.2020 and order dated 05.05.2021, having regard to the peculiar and special facts and circumstances of the instant case including the aims and objects of the ICDS scheme, directions issued by the Apex Court and other proceedings, orders etc., prior to issuance of the same, respondents were not entitled to unilaterally and unconditionally issue the impugned orders under Section 21, which does not confer unfettered or unbridled powers on the State Government to withdraw its earlier order dated 05.05.2021, that too within a period of fifteen days and as such, even this contention of the respondents is liable to be rejected. It is well settled that exercise of power under Section 21 of the General Clauses Act is circumscribed, limited and restricted by the attending and surrounding facts and circumstances including the instant circular / order sought to be withdrawn and in the facts of the case on hand, particularly having regard to the ICDS scheme which is beneficial in nature, effective and speedy implementation of the scheme was absolutely essential and consequently, the impugned orders are vitiated on this ground also.



(ix) The material on record also reveals that the already miserable situation and condition of the beneficiaries of the ICDS scheme had substantially and considerably deteriorated and worsened on account of the Covid-19 pandemic and on this charge also, the respondents were not justified in passing the impugned orders, which deserve to be quashed on this ground also.

(x) It is also significant to state that one M/s.Shri. Sharadamba Foods had preferred W.P.No.580/2020 seeking quashing of the circular dated 02.07.2020 and for other reliefs. The said petition having been dismissed by the learned Single Judge of this Court vide order dated 24.08.2020, the writ petitioner preferred an appeal in W.A.No.580/2020 which was also dismissed by the Division Bench vide order dated 21.01.2021. It is therefore clear that the legality, validity and correctness of the said circular dated 02.07.2020 has been upheld by this Court and the same has attained finality and become conclusive and consequently, this circumstance also indicates that the impugned order dated 15.05.2021 seeking to withdraw the said circular dated 02.07.2020 is illegal, arbitrary and deserves to be quashed.

(xi) As stated supra, W.P.No.3522/2022 is a PIL which was preferred on 14.02.2022 seeking several directions for implementation of the ICDS Scheme. In this context, as rightly contended by the learned counsel for the petitioner, the impugned orders dated 15.05.2021 and 20.05.2021 which proceed on the basis that some of the women self help groups do not meet the eligibility criteria or the conditions in the circular dated 02.07.2020 or order dated 05.05.2021 would not be a ground to repeal the entire frame work and consequently, the impugned orders would not only be disproportionate but also irrational and violative of Article 14 of the Constitution of India and the same deserves to be quashed on this ground also.

(xii) So also, learned counsel for the petitioner is right in his contention that the power of the State



Government under Section 21 of the General Clauses Act is circumscribed, restricted and limited by the constitutional provisions, in particular, Articles 14 and 21 of the Constitution of India; in this context, it is significant to note that consequent upon issuance of the impugned orders dated 15.05.2021 and 20.05.2021, the circular dated 02.07.2020 and order dated 05.05.2021 are sought to be withdrawn, thereby denying more than 50 lakhs beneficiaries in Karnataka, the right to nutritious food, particularly to pregnant women, lactating mothers and children whose fundamental rights under Article 21 of the Constitution of India stands violated and on this score also, the impugned orders being arbitrary and capricious under Article 14 of the Constitution of India deserve to be quashed in view of the decisions of the Apex Court in the case of Shayara Bano vs. Union of India and Dipika Jagatram Sahani vs. Union of India & others.

(xiii) It is needless to state that upon quashment of the impugned orders dated 15.05.2021 and 20.05.2021, the earlier circular dated 02.07.2020 and order dated 05.05.2021 which have been referred to in the technical committee report dated 19.08.2021 would stand revived and the same would necessarily have to be implemented and given effect to by the State Government. Under these circumstances, though several directions are sought for by the petitioner in this petition, in view of the quashment of 2 (2017) 9 SCC 1 3 W.P.(Civil) 1039 / 2020 (PIL) the impugned orders dated 15.05.2021 and 20.05.2021, this petition deserves to be allowed directing the respondents – State to give effect to and implement the circular dated 02.07.2020 and order dated 05.05.2021 in the light of the report of the technical committee dated 19.08.2021 by taking necessary steps forthwith in this regard immediately without any further delay.

19. In the result, we pass the following:-

ORDER



(i) All the writ petitions are hereby allowed;

(ii) The impugned Government orders dated 15.05.2021 and 20.05.2021 passed by the respondents – State are hereby quashed.

(iii) The respondents – State are directed to forthwith implement and give effect to the circular dated 02.07.2020 and Government order dated 05.05.2021 issued and passed by the State Government immediately without any further delay.

(iv) The State Government is also directed to take necessary steps to forthwith implement and give effect to the Integrated Child Development Services Scheme (ICDS Scheme) immediately without any further delay, bearing in mind the Central Government Norms dated 24.02.2009 and Rules dated 06.10.2017 and in the light of the report of the technical committee dated 19.08.2021 as well as all other applicable Government Rules, Regulations, Norms, Orders, Circulars etc., in this regard.

(v) It is directed that the supply of food products, without following specifications and standards as per Revised Nutrition and Feeding Norms shall be suspended with immediate effect and supply of quality nutrition as per Government order dated 05.05.2021 and circular dated 02.07.2020 shall be ensured by the respondents, by executing the agreements as specified in the Government order dated 05.05.2021.

(vi) In order to ensure uninterrupted quality supply of the menu of food items, the respondents are directed that, if the parties of the contract (Agreements) as per Government order 05.05.2021 fail to perform their obligation, the final products as specified in the contract (Agreements) shall be procured at a competitive rate from any eligible entities as specified vide circular dated 02.07.2020 and supply the same to Anganawadi Centres in the interest of the beneficiaries.



(vii) The State Government is directed to submit a compliance report to this Court within a period of three months from today.

(viii) Liberty is reserved in favour of the petitioner in W.P.No.3522/2022 (PIL) to seek revival of the said petition, if the occasion so arises.

4. Subsequently, this order was taken up to Hon'ble Apex Court in SLP No.18930/2022. The Hon'ble Apex Court, vide order dated 18.07.2022, affirmed the order passed by Co-ordinate Bench of this Court.

5. It is in this background, pleading non compliance of order of Co-ordinate Bench, certain MSPTCs filed contempt petition which was also disposed of in terms below mentioned:

2. Learned Additional Government Advocate drew our attention to para 12 of the Compliance Affidavit filed in this Court on 06.10.2023 to the effect that the decision taken by State Government would be communicated to various Deputy Directors, DWCDs in all 31 Districts, within four weeks. Then there is a reference to modalities in Sub-clauses (a) to (c) in the said paragraph. An unconditional apology is also tendered for delay caused in the implementation because of some administrative constraints and bonafide reasons as mentioned in paragraph No.16.

In view of the above, the Compliant of Contempt is dispose off.

It is made clear that if the Respondent-State fails to forward the necessary communication as indicated



*above within the stipulated period of four weeks,
Complainant is at liberty to revive the Contempt Petition.*

6. With these covered background, in compliance of the order in Public Interest Litigation supra, the respondent-State has published instructions by letters dated 21.10.2023 and 31.10.2023 vis., Annexure-A and B to this appeal. Aggrieved by this, the appellant who is MSPTC registered under Societies Registration Act approached the learned Single Judge claiming anomalies and violations. The learned Single Judge, having heard the appellant so also the respondent-State, was pleased to dispose of the writ petition with the findings as mentioned supra. Aggrieved, appellant who is the petitioner therein are before this Court invoking the appellate jurisdiction.

7. Heard the learned counsel Sri K.S. Ponnappa for Sri Mahesha B for appellant, Sri H Shanthi Bhushan learned DSGI for respondent No.3 Central Government, Sri Arjun Sarathi V., learned counsel for respondent No.4 and learned AAG for State.

8. It is the contended by the appellant that it is a registered society which includes women, widows, physically



challenged persons, mothers of the beneficiaries children etc., who are earning their livelihood by preparing and also supplying the nutritious food as per ICDS Scheme to Anganawadi's. It is also further contended by the appellant that in pursuance of impugned circulars stated supra, if properly viewed, are not in consonance with the direction passed by the co-ordinate Bench of this Court as the allotted quantity of wheat and rice for quarter i.e., for 3 months is not sufficient to prepare and also to distribute to all the Anganawadi's. Hence, it is for this reason, the appellant claim that the impugned circulars are *dehors* the order of the co-ordinate Bench.

The appellant also draws the attention of this Court to clause 15 and 16 of impugned circular dated 21.10.2023 which reads as under:

15. 26% of amount shall be utilized towards making payments for Rice, Wheat and Cooking Oil and for Production expenses, Transportation expenses, Honorarium, other Administrative expenses and for any incidental expenditures.

16. 74% of amount to be paid to the 03 eligible B.I.S. Licensed Women Groups and they will utilize it for payment for the procured Raw materials, Packaging Materials, Vitamins & Minerals and for the expenses



incurred for testing of the micronutrient food, technical assistance charges, compensation for operational losses and outsourcing charges if any.

With reference to above, the appellant submit that out of the total incomes and payments received, 74% of which shall be paid to BIS certified Women Groups among which 64% of the same shall be utilised for procuring raw materials which are essential for production of nutritious foods by the BIS certified Women Groups. Remaining 26% shall be utilised towards payment of rice, wheat and cooking oil and also towards expenditures in packaging and supply of these nutritious foods to Anganawadi's which in itself causes hardship and also losses to appellant and thereby, it is difficult to make livelihood out of the same. It is on these grounds, the appellant is before this Court.

9. *Per contra*, the learned AAG Sri. Vikram Huligol submits that with respect to first limb of the argument that is being addressed is squarely covered by Government Circular dated 02.07.2020 which has overcome the rigours of judicial review both in Public Interest Litigation before this Court and also before the Hon'ble Apex Court. This circular clearly emphasises



as to why such an arrangement is being programmed. Learned AAG vehemently submits that this arrangement is made with an agenda of stopping the supply of ill-nutritional foods to the beneficiaries and also to make available proper nutritious food to the beneficiaries who are children between the age group of 6 months to 6 years, pregnant women, lactating mothers and adolescent girls as per ICDS Scheme. Hence, in order to effectively implement the scheme and also to comply with orders of this Court as well as Hon'ble Apex Court, the impugned letters/circulars have been issued, which, as rightly held by the learned Single Judge are in accordance with law.

10. With respect to the second limb of the argument as to deficiency in supply of foods are concerned, learned AAG draws the attention of this Court to Section 22(3) of National Food Security Act, 2013 which obligates Central Government to provide food grains which are essential in order to comply with the ICDS Scheme. He would also submit that if there are any grievances in that regard, the same shall be addressed to the Grievance Redressal centres as set up in accordance with ICDS Scheme and chapter VII of NFSA, 2013. Learned AAG would also concede that if any representations are given with respect



to profit sharing is concerned, then State would address the same in due course after due consultation with the Central Government.

Learned DSGI for Central Government being made a formal party, would adopt the submission made on behalf of respondent-State.

11. We have gone through the records furnished before us and so also the previous history of this case and we have also heard the rival contentions.

12. The first grievance of the appellant being the arrangement made as per circular dated 02.07.2020 cannot be re-looked into as the same has withstood judicial test before this Court on several occasions. Even in the PIL, the said circular was upheld by quashing the Government order dated 05.05.2021 withdrawing the circular stated supra. However, we fail to appreciate the conduct of the appellant in approaching this Court once again with the same grievance though this Court has already opined on it.



13. With respect to the second limb of their argument is concerned, we accept the submission made by learned AAG with respect to provisions of National Food Security Act, 2013 is concerned.

14. Section 4 and Section 5 of the National Food Security Act, 2013, reads thus:

4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen



years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local anganwadi so as to meet the nutritional standards specified in Schedule II: Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and anganwadi shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.”

Further, Section 22(3) of National Food Security Act, 2013 reads as under:

22. (3) The Central Government shall provide food grains in respect of entitlements under



Section 4, 5 and Section 6, to the State Government at prices specified for the persons belonging to eligible households in Schedule I.

This provision bestows the duty upon the Central Government to provide necessary food grains which are to be supplied to Anganwadi's, which are then to be supplied to beneficiaries under Section 4 and 5 of the NFSA, 2013. This being the accepted position, if any grievances found, the appellant is at liberty to file necessary representations to Grievance redressal mechanism centres as provided under the Act supra and also under paragraph 9.4.2 of the ICDS Scheme. Hence, in the absence of appellant exercising the same, we are unable to appreciate the stand taken by the appellant.

15. In the third limb of the argument, the appellant disputes the profit sharing ratio as provided in the impugned circulars/letters dated 21.10.2023 and 31.10.2023, for which the learned AAG has conceded to the fact that the same will be considered as per the order of the learned Single Judge.

16. Be that as it may, in view of Sections 4, 5 and 22(3) of the National Food Securities Act, 2013 and more so in view of a judgment rendered by a Co-ordinate Bench of this Court in



W.P (PIL) No.3522/2022 dated 27.05.2022 wherein an observation has been made that, nutritious food requires to be provided to 50 lakhs children in the age group of 0 – 6 years, the Hon'ble Supreme Court of India in SLP (Civil) Diary No.18930/2022 vide its order dated 18.07.2022, upheld the direction of this Court made in the aforesaid writ petition which was filed in a nature of a Public Interest Litigation. More so, in order to give effect to the direction of this High Court in the aforesaid writ petition and with a view to provide nutritious food to needy persons, the Government of Karnataka issued letters dated 21.10.2023 and 31.10.2023, as contended by the learned AAG. The aforesaid letters were challenged in W.P.No.24326/2023 before this Court. But this Court, with a view to implement the said direction which was upheld by the Hon'ble Supreme Court, has directed the official respondents therein to ensure allotment of foodgrains such as wheat and rice sufficient for the total beneficiaries for preparation of food in accordance with the menu to be supplied under the ICDS Scheme as per Section 22(3) of the National Food Securities Act, 2013. This contention has been made by the learned AAG



Shri Vikram Huilgol, counter to the arguments advanced by the learned counsel Shri K.S. Ponnappa for the appellants.

But this writ appeal has been preferred by the appellant challenging the order rendered by the learned Single Judge on the writ side. More so, the learned counsel for the appellant has taken various contentions by urging the grounds stated supra. But in this appeal, the learned AAG has vehemently contended that the grounds which have been urged in this appeal seeking intervention of the order passed by the learned Single Judge on the writ side, does not have any substance and more so, the writ appeal suffers from infirmities and do not arise to call for any interference.

17. Hence, keeping in view all the above contentions, the livelihood of the members of these MSPTCs being the prime issue involved in the subject and also for the fact that the members of these MSPTCs also belong to the vulnerable members of the society, we proceed to pass the following -

ORDER

Writ appeal, being devoid of merits, is accordingly dismissed. Consequently, the impugned order passed by the learned Single



Judge in W.P.24326/2023 dated 03.11.2023
is hereby confirmed.

We uphold the direction issued by the
learned Single Judge with respect to prayer
(c) is concerned and this direction shall be
stricto sensu complied by the State
Government after due consultation of the
Central Government, in accordance with law.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

VM
List No.: 1 Sl No.: 23