
(2023) 02 OHC CK 0177

In the Orissa High Court

Case No : Writ Petition (C) No.36226 Of 2022

Krupajala Self Help Group, Balasore

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Citation : (2023) 02 OHC CK 0177

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Samir Kumar Mishra, A. K. Sharma, B. P. Das

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mishra, learned advocate appears on behalf of petitioner while Mr. Sharma, learned advocate, Additional Government Advocate appears for State and Mr. Das, learned advocate appears for opposite party no.7. There is record in earlier order dated 10th February, 2023 that postal article addressed to opposite party no.8 was returned with endorsement insufficient address. The address in the postal article was given on impugned letter itself. As such, good service is presumed in respect of opposite party no.8.

2. Mr. Shama submits, opposite party nos.7 and 8 were engaged by separate agreements, both dated 25th November, 2022. The writ petition was presented on 23rd December, 2022 and moved before this Bench on 12th January, 2023. He submits, lastly on 10th February, 2023 there was interim order made restraining procurement of Take Home Ration (THR) from opposite party nos.7 and 8. This has caused disruption in distribution of the food to children and pregnant women. He prays for vacating the interim order.

3. Mr. Mishra submits, his client was supplying THR for last four years. For purpose of selection of supplier in the period, it will appear from proceeding of

District Level Committee (DLC) meeting dated 23rd November, 2022 that three best suppliers were short listed for selection of two. He demonstrates from score-sheet of opposite party no.8, petitioner and opposite party no.7, disclosed at pages 26 to 31 that opposite party no.8 scored 82.5 marks with remark 'good', his client 88.5 marks with no remark and opposite party no.7, 97.5 marks with remark 'excellent'. He points out from said minute dated 23rd November, 2022 that allegation against his client was commission of irregularities being that hygiene and ventilation of storage-cum-working building was found to be poor and drinking water facility, not available. He submits, the DLC found, particularly in case of opposite party no.8 that infrastructure was not available. Yet, opposite party no.8 was favoured over petitioner in being engaged.

4. The score-sheets are dated 5th, 4th and 2nd November, 2022 respectively of opposite party no.8, petitioner and opposite party no.7. Obviously, on consideration of the score-sheet the proceedings in minute dated 23rd November, 2022 were recorded. There is no explanation as to why no remark was made against petitioner in the score-sheet. On query from Court, Mr. Sharma, prays for adjournment to produce previous observations made by the committee, as informed to petitioner, regarding poor hygiene, ventilation and non-availability of drinking water. So far as disruption of procurement is concerned Mr. Mishra points out, there already has been notification to procure from elsewhere.

5. State may produce intimation of observations made to petitioner, on adjourned date.

6. List on 1st March, 2023. This short date is given since there is restraint order operating and it is continue till next date of hearing.

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