

(2025) 10 OHC CK 1395

In the Orissa High Court

Case No : Writ Petition (C) No. 14987 Of 2023

Maa Saraswati SHG, Kendrapara

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 16-10-2025

Acts Referred:

Citation : (2025) 10 OHC CK 1395

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : D.P. Nanda, S. Jena, S.N. Patnaik

Final Decision : Allowed

Judgement

Sashikanta Mishra, J

The petitioner is a Women's Self Help Group operating in the district of Kendrapara and engaged in preparation and supply of Take Home Ration (THR) (Chhatua). An advertisement was issued by the DSWO, Kendrapara inviting applications from SHGs for preparation and supply of THR (Chhatua) to different Anganwadi Centers under the said ICDS Project. Several SHGs, including the petitioner submitted their applications. A joint enquiry was conducted by the Sub-Collector and the CDPO, wherein the petitioner group was found most suitable in terms of experience, infrastructure facilities, ability to meet emergencies, maintenance of hygienic atmosphere etc., and was recommended for engagement. However, for reasons not clearly spelt out, the DSWO, Kendrapara engaged another Self Help Group, named Madaneswar SHG for the work.

2. The petitioner challenged such engagement by filing a writ application before this Court being W.P.(C) No.11 of 2019. This Court, by judgment dated 19.01.2023 took note of all relevant facts along with the joint enquiry report and set aside the engagement order issued in favour of the said Madaneswar, SHG. It is stated at the bar that the judgment of this Court has not been further challenged and has thus, attained finality. The following direction was issued

under paragraph-8 of the judgment:-

"For reasons aforesaid, impugned order dated 5th October, 2018 is set aside and quashed. Consequently, agreement executed pursuant to the engagement order is rendered void petitioner may approach the authority concerned for engagement."

3. Accordingly, the petitioner submitted a detailed representation on 27.01.2023 before the Collector, Kendrapara with request to issue order of engagement as per the recommendation made by the joint enquiry committee. The Collector, however, by order dated 10.03.2023 allowed an existing unit, namely Budhijagulai-B SHG to prepare and supply THR (Chhatua) to the Anganwadi Centers, which were earlier managed by Madaneswar SHG.

4. Being thus aggrieved, the petitioner has approached this Court with the following prayer:-

"The petitioner most respectfully prays that the Hon'ble Court may be graciously pleased to allow the writ petition, issue of a writ or direction in the nature of certiorari or any other appropriate writ or direction quashing order No.227 dated 10.03.2023 of the CDPO, Pattamundai under Annexure-6 and further issue a writ or direction in the nature of mandamus or any other appropriate writ or direction to the opposite parties to engage the petitioner for preparation and distribution of THR Chhatua of Pattamundai ICDS Project and pass such other or further order or orders as are deemed just and proper."

5. Counter affidavit has been filed by the CDPO, Pattamundai admitting that the petitioner was earlier recommended for engagement pursuant to the advertisement on the basis of the joint enquiry report in which the other three SHGs were not found suitable. Again, with regard to the impugned order, it is stated that upon receipt of the representation submitted by the petitioner on 27.01.2023, the Collector, Kendrapara constituted a district level enquiry team to assess the feasibility and up-to-date status of the petitioner's SHG. It was found that engagement of the petitioner group is not at all feasible for preparation and supply of THR as the house rent agreement executed between the land owner and the petitioner's SHG was not in proper format, determination of monthly house rent was not mentioned nor it was a registered one with no witness to the said agreement. The petitioner's unit was also not able to produce the relevant documents of the land/building and machinery owned by it. Copy of the enquiry report submitted by the Sub-Collector, Kendrapara has been enclosed as Annexure-D/3 to the counter.

6. The petitioner has filed a rejoinder seeking to rebut the averments made in the counter by submitting that it has a valid house rent agreement with the house owner, which clearly mentions the rent fixed per month. A copy of the house rent agreement has been enclosed as Annexure-7. Further, the petitioner also has a valid food license being issued by the competent authority, copy of which is enclosed as Annexure-10.

7. Heard Mr. D.P. Nanda, learned senior counsel with Mr. S. Jena, learned counsel for the petitioner and Mr. S.N. Patnaik, learned Additional Government Advocate appearing for the State.

8. Mr. Nanda would argue that there being a clear recommendation made in favour of the petitioner based on the joint enquiry report, wherein the other three SHGs were found unsuitable, the petitioner should have been engaged. There is nothing on record to show that the petitioner had not fulfilled the eligibility criteria. On the other hand, the enquiry report clearly mentions that the petitioner had all necessary facilities in its unit. The authorities however, wrongly selected Madaneswar SHG despite clear mention in the enquiry report that it was unsuitable in several respects.

Mr. Nanda further argues that in any case, the engagement of Madaneswar SHG having been set aside/quashed by this Court in the earlier writ application filed by the petitioner, the authorities instead of engaging the petitioner chose to engage another SHG, which was conditionally recommended by the joint enquiry committee. Mr. Nanda also argues that even in the subsequent enquiry, the petitioner's unit was found purportedly deficient on technical grounds such as defects in the house-rent agreement, which are factually in-correct. Mr. Nanda concludes his arguments by submitting that the authorities appear to be holding a bias insofar as the petitioner is concerned, which is evident from the fact that despite fulfilling all criteria, it has not been engaged.

9. Mr. Patnaik, learned Additional Government Advocate on the other hand, would argue that even though, the petitioner was recommended by the joint enquiry committee, the same was in the year 2018. After disposal of the earlier writ application, a fresh enquiry was conducted to determine the present feasibility status wherein, it was found that the petitioner's unit was deficient inasmuch as the rent agreement of the premises in question was not in order. He also submits that at the time of enquiry, the petitioner could not satisfy that it had in its possession the required land/building and machinery. As such, it was rightly held that the petitioner's unit was not capable of rendering the required service to the community.

10. The facts as placed before the Court are not disputed, inasmuch as pursuant to the original advertisement issued in the year 2018, five SHGs had submitted their applications. A joint enquiry was conducted wherein four requirements were verified, in the following manner:-

"To,

The Collector, Kendrapara

Sub- Submission of verification report of SHGs in respect of ICDS Pattamundai.

Ref- Office Order 11 dtd- 17.07.2018 & Oral orders for wholesome enquiry in to all Units of Pattamundai, ICDS.

Sir,

With reference to the letter cited above I am to submit joint report along with the CDPO, Pattamundai which is given as follows:-

Sl. No.

Name of SHG

Whether producing unit (Yes /No)

Infrastructure facilities available (Yes /No)

Facilities available to address emergency (Yes /No)

Hygienic atmosphere (Yes /No)

Views

1

Maa Saraswati SHG, Balabhadrapur in village under Balabhadrapur GP
was producing except THR and appropriate machinery

Yes

Yes

Yes

Recommended

2

Mahalaxmi SHG, Narasinghpur in village under Narasinghpur GP

No

Yes

No

No

Not Recommended

3

Madaneswar SHG, Madan in village under Madanpur GP

No

Yes but unsafe for food production

No

No

Not Recommended

4

Budhigulai SHG, Sathkuda in village under Bilikana G

No

Yes Land Record & agreement could not be furnished

Yes

Yes

Conditionally recommended

5

Sivasankara SHG, Sasan in village under Sasan GP

No

Yes, but unsafe for food production

Yes

Yes

Not Recommended

I agree

Yours faithfully

CDPO, Pattamundai

Sub-Collector, Kendrapara"

11. Thus, it is evident that the petitioner was selected and recommended because it fulfilled all the relevant criteria. Nothing has been placed on record to justify selection of Madaneswar SHG. Be that as it may, the said selection having already been set aside, this Court need not offer any opinion in that regard. Being granted liberty by this Court, the petitioner approached the Collector for issuance of the order of engagement. The joint enquiry was again conducted, apparently to determine the present status of the unit. Such enquiry was conducted in the presence of the office bearers of the petitioner. In the enquiry report dated 13.10.2023, the following has been mentioned in the 3rd paragraph:-

"During the time of enquiry on demand, the President/Secretary of the WSHG produced the copy of the notary agreement towards the land/building. It is revealed that the agreement was made between the President/Secretary and the house owner on dated 27.07.2018 before the notary public. But the amount of rent has not been mentioned in the said agreement which is a basic point of the

agreement. No witness and date of purchase of stamp paper was found in the said copy of the agreement.

As such, it is not genuine and not acceptable also. Besides, the WSHG could not produce the relevant documents of the land/building and machineries owned by the WSHG. It is evident that the concerned WSHG has no feasibility for production and supply of THR. There is also no clarity about the formation and registration of concerned WSHG.

Under the above circumstances, it is clear that Maa Saraswati WSHG, At/Po-Balabhadrapur, Ps. Pattamundai Rural, Block-Pattamundai, Dist-Kendraparta has not fulfilled the basic criteria for selection to prepare and supply THR to AWCs. The field enquiry report is enclosed for kind perusal.”

12. Thus, the petitioner’s case was not considered on technical grounds referred above. The enquiry report does not mention anything with regard to the fulfillment or otherwise of the criteria referred to in the first joint enquiry report (Annexure-1). The observation that “the concerned WSHG has no feasibility for production and supply of the THR. There is also no clarity about the formation and registration of concerned WSHG” is vague and non-specific as it does not spell out in the least as to why such an observation was made and on what basis.

13. The petitioner has enclosed a copy of the house rent agreement to the rejoinder, which this Court has perused and finds that the petitioner has taken rent of the premises from its lawful owner on monthly rent of Rs.10,000/-. The sketch map of the premises has also enclosed. That apart and most importantly, the petitioner has been granted food license, which was valid at the relevant time.

14. Thus, this Court does not find any justified reason for not issuing the order of engagement in favour of the petitioner. Nothing has been placed on record on behalf of the State authorities to show that the petitioner has not fulfilled the required criteria in any manner. Under such circumstances, the impugned order cannot be sustained.

15. For the foregoing reasons therefore, the writ application is allowed. The impugned order dated 10.03.2023 is hereby set aside. The Opposite Party No.2 is directed to reconsider the case of the petitioner and issue order of engagement in its favour, subject to fulfillment of all relevant criteria including house rent agreement, land documents and food license, etc. Necessary orders in this regard shall be passed by the Collector within four weeks from the date of production of certified copy of this order by the petitioner. Till such time the existing arrangement shall continue in order to prevent disruption in the SNP work.