
(2014) 09 OHC CK 0084
In the Orissa High Court
Case No : W.P. (C). No. 15130 of 2014

Soumendra Kumar Jena

APPELLANT

Vs

Government of India

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

Citation : (2014) 09 OHC CK 0084

Hon'ble Judges : Amitava Roy, C.J;B.R. Sarangi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Dr. B.R. Sarangi, J.—The petitioners as the publishers of books have filed this application challenging the tender notice for supply of books under the Matching Scheme introduced by Raja Rammohan Roy Library Foundation (for short the "Foundation") for the year 2013-14 and the process of selection of books under the said Scheme and seeking direction to take up the selection process afresh in consonance with the guidelines vide Annexure-1.

2. The short facts of the case in hand are that Raja Rammohan Roy Library Foundation has been established by the Government of India, Ministry of Culture to provide books for the people of India to study by libraries in different parts of India and for the said purpose provides funds to each State for establishing Study Centres/Libraries and purchase of books. The Foundation has formulated different schemes and has provided guidelines to purchase books. Under the Matching Scheme, Annexure-1, it is stated that ordinarily not more than 20 books of a publisher shall be considered by the Book Selection Committee in one session. Books written, edited or published by the members of the State Library Committee or the Book Selection Committee may not ordinarily be selected during its tenure. Under no circumstances a member of the said committee or committees shall participate in the discussion while considering a book he/she is interested in as author, editor or publisher. It is also mentioned that the Foundation buys books at a graded rate of discount as mentioned therein.

So far as the advertisement issued vide Annexure-2, for the purchase of books for the session 2013-14, it is stated that no special provision has been made for allocating 25% of funds for the purchase of books published by Government/Government sponsored institutions, namely, N.B.T., N.C.E.R.T., S.C.E.R.T., different Academies (Central & State) and Orissa Bhasha Pratisthan.

3. Mr. P.K. Mishra, learned counsel for the petitioner urged that contrary to the Scheme and advertisement selection of books has been recommended, and more specifically he urged that the books published by the Government and Government sponsored institutions have been selected though there is no specific prohibition for such selection. He has referred to the judgment of the apex Court in *J. Mohapatra and Co. and Another Vs. State of Orissa and Another*,

4. On the basis of the pleaded facts, it appears that pursuant to advertisement for selection of books by the Govt. of Odisha Department of Culture vide Annexure-2 under the Foundation Scheme for the session 2013-14 books have been considered and selection has been completed in the meantime and for that purpose advertisement which was issued lost its effect long since. The petitioners came to know the factum of selection on 01.09.2014 i.e. after expiry of the session. This writ petition was filed alleging that selection of books has not done in terms of guidelines issued by the Government of India under the Foundation and though there is no provision for purchase of Government/Government recognized institution books, the same has been purchased. In addition to that learned counsel for the petitioner urged that the books of the members of the selection committee have been considered and selected. He has referred to Annexure-3 to that effect. He specifically pleaded that one Birendra Mohanty though a member of the selection committee, his book has been selected. But, it appears that he is not the signatory to the books selected under the general category in which his book has been taken into consideration for selection. Therefore, it cannot be said that he was a party to the decision making process, so that the selection was vitiated. As it appears, for selection of some books of Government publication, he was a party to the selection process but so far as other books were concerned he was not the signatory to the selection process. Therefore, no bias can be attached to such selection process as against Birendra Mohanty. As per the principle laid down by the apex Court in *M/s. J. Mohapatra and Co. and another (supra)*, the author (member) having submitted books for selection being interested in the matter of selection of books, the selection made by such committee was biased, which violated the principles of natural justice. The present case is therefore distinguishable from the judgment of the apex Court in view of the allegation made against Birendra Mohanty, who was neither a party to the committee for selection of books belonging to the general category was he a signatory of the selection process. For that a different committee altogether was there for selection of books and thus no bias was attributable to him. But the books taken into consideration for selection by the committee constituted other than the committee for children category (urban) where he is one of the members. In absence of any other cogent materials, no inference can

be drawn that the selection committee was bias. Therefore, this Writ Petition seeking interference by this Court is absolutely fallacious the selection of books for the session 2013-14 having already been done long since, and no bias is established against such selection.

5. In view of such position, this Court is not inclined to entertain this application. The writ petition is dismissed.