

(2015) 02 OHC CK 0014
In the Orissa High Court
Case No : W.A. No. 39 of 2015

Subhashree Women Self Help Group	Vs	APPELLANT
Collector-cum-Dist. Magistrate and Others		RESPONDENT

Date of Decision : 10-02-2015

Acts Referred:

Citation : (2015) 02 OHC CK 0014

Hon'ble Judges : Amitava Roy, C.J. Dr., J.; Akshaya Kumar Rath, J.

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The judgment and order dated 27.01.2015 passed by the learned Single Judge in W.P.(C) No. 1221 of 2015, rejecting the appellant's challenge to the order dated 28.11.2014 of the Collector-cum-District Magistrate, Ganjam appointing the appellant and respondent No. 4 as Women Self-Help Group (for short, hereinafter called as "the SHG") for preparation and distribution of THR (Chhatua) to the Anganwadi Centres of Kabisuryanagar Block, has been assailed.
2. We have heard Mr. Arjun Ch. Behera, learned counsel for the appellant/writ petitioner.
3. Briefly stated, the facts necessary to be noted are that the appellant/writ petitioner, which is a SHG, had been supplying THR (Chhatua) to the entire Kabisuryanagar Block since long as claimed by it. It's term having expired in the year 2013, it laid a request for renewal thereof for one more year. As the request was kept pending, the appellant approached this Court with W.P.(c) No. 4760 of 2013, which was disposed of on 20.09.2013, requiring the Collector, Ganjam to consider and take a decision on the said renewal application. The record reveals that along with the appellant, one Jagruti Women Self Help Group (respondent No. 4) had also been distributing THR (Chhatua) in the same Block. In the State Level Conference of the CDPOs/Pos/DSWOs held between 22.11.2012 and 24.11.2012 at Bhubaneswar, the Commissioner-cum-Secretary, WandCD

Department, Odisha did direct that only one best Women SHG having Plant (Roasting, grinding, Packing etc. equipments) for preparation of Chhatua be selected. It was, as a result of the said recommendation that the appellant had been approved for supply of THR (Chhatua) for the term which ended on 17.8.2013. In the review meeting of the concerned DRDA on 9.1.2013, it had been resolved that there should be a Block Level Committee consisting of BDO, Chairman of Panchayat Samiti and CDPO, to select one best SHG for supply of THR (Chhatua). Accordingly, the Block Level Committee was constituted and the Committee selected the respondent No. 4 for supply of THR (Chhatua) to K.S. Nagar Block, taking note, amongst others, of the fact that all the members of the said SHG were in the BPL category. It was in this background that this Court while disposing of the W.P.(C) No. 4760 of 2013 and Misc. Case Nos. 4566 and 19026 of 2013 arising therefrom, left the Collector, Ganjam at liberty to consider the application of respondent No. 4 as well. The Collector, eventually, in compliance of the above direction of this Court, having due regard to Clause-1(VII) of the guidelines for the Decentralized Implementation of Take Home Ration "(Supplementary Nutrition Programme of ICDS)", insisting upon selection of a single SHG supplier for one Block to ensure uniformity and quality of supply with the rider that if that is not feasible the Collector may assign maximum two SHGs to prepare Chhatua in a Block, by order dated 28.11.2014 allowed both the appellant as well as the respondent No. 4 to engage in the preparation and distribution of THR (Chhatua) for KS Nagar Block, inter alia, having regard to the welfare of the beneficiaries.

4. Contending that this arrangement was in violation of the guidelines, pertaining to preparation and supply of THR through SHG, the appellant approached this Court questioning the sustainability of the said decision. As stated hereinabove, the assailment having failed, it is in appeal.

5. Learned counsel for the appellant has urged that as the order dated 28.11.2014 of the Collector-cum-District Magistrate, Ganjam is repugnant to the guidelines which unequivocally mandated engagement of a single SHG to make supply of THR in the whole block to ensure quality and uniformity, the learned Single Judge had fell in error in declining to interfere with the decision of the Collector. He has argued as well that the impugned order being bereft of reasons, the same is liable to be set aside on that count alone.

6. We have traversed the pleaded facts, documents on record and considered as well the arguments advanced.

7. The relevant extract of the guidelines relied upon by the appellant, for ready reference, is quoted herein below:

"..the guidelines clearly state that in order to ensure quality and uniformity, it is better if a single SHG supplies to the whole block [para 1.4]. Division of a block between more than one SHG should be avoided. Taking into account the cost benefit, work load and effective monitoring either one or maximum two SHGs

should be engaged for supply of THR in a project. Work area of existing SHGs should not be split between more SHGs. Para I of the guidelines is reiterated in this regard." 8. Reading between the lines, this extract would authenticate that though it predicates that it would be better if a single SHG is engaged for supply of THR to whole block in order to ensure quality and uniformity of service, it is permissible to engage one more SHG taking into account the cost benefit, work load and effective monitoring of the process. In other words, engagement of 2nd SHG, even under the guidelines, has not been totally prohibited.

9. The order dated 28.11.2014 discloses that the Block Level Committee, constituted in terms of the resolution made in the meeting of the DRDA, had on an examination of all relevant aspects, selected the respondent No. 4 for such supply taking note, amongst others, of the fact that all its members were of the BPL category. This Court, while remitting the matter to the Collector, Ganjam vide order dated 20.09.2013, did also leave the Collector at liberty to consider the application of the respondent No. 4 for such supply in accordance with law. The order dated 28.11.2014 of the Collector, Ganjam further demonstrates that in passing the same, the said authority had taken note of the guidelines, the report of the Block Level Committee and of the Sub-Collector, Chhatrapur and had decided to engage both the appellant and the respondent No. 4 for supply of THR (Chhatua).

10. In our view the decision has been taken on a conscious consideration of the all relevant factors and as it is claimed that the same is to cater the betterment of the beneficiaries of THR, we are of the unhesitant opinion that in exercise of this Court's power of judicial review, no interference is warranted.

11. We are, therefore, in complete agreement with the ultimate conclusion recorded by the learned Single Judge and in absence of any overwhelming materials on record to hold that the decision of the Collector, Ganjam entrusting the supply to both the writ appellant and the respondent No. 4 suffers from any contravention of the guidelines and/or any legal infirmity, it is not appropriate for this Court to interfere with the same.

12. In our comprehension, the appeal lacks in merit and is accordingly dismissed.