



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5618 of 2025

1. M/s. Maa Ambika *Petitioners*
Self Help Group,
Mayurbhanj
2. President, M/s. Maa
Ambika SHG,
Mayurbhanj

Mr. A. Das, Sr. Advocate
Mr. B. Pradhan, Advocate

-versus-

1. State of Odisha *Opposite Parties*
2. Collector and District
Magistrate,
Mayurbhanj
3. District Social
Welfare Officer,
Mayurbhanj
4. C.D.P.O., Sukruli,
Mayurbhanj
5. Drutagati SHG,
Mayurbhanj

Mr. S.P. Das, ASC
(For O.P. Nos.1 to 4)
Mr. A. Mishra, Adv.
(for O.P. No.5)

CORAM: JUSTICE V. NARASINGH

ORDER
25.03.2025

Order No.

02. 1. Learned counsel Mr. A. Mishra submits that
he has instruction to appear on behalf of the



Opposite Party No.5 and he has already filed his Vakalatnama.

2. Registry is requested to tag the same with the file and reflect the name of learned counsel Mr. Mishra in the file.

3. Heard Mr. A. Das, learned Senior Counsel instructed by Ms. B. Pradhan, learned counsel for the Petitioners and Mr. S.P. Das, learned Additional Standing Counsel for the State and Mr. A. Mishra, learned counsel for the Opposite Party No.5.

4. The present Writ Petition has been filed at the behest of M/s. Maa Ambika Self Help Group assailing the order dated 17.12.2024 at Annexure-6 by which the Opposite Party No.5 was entrusted with the responsibility of preparation and supply of THR (Take Home Ration) under SNP (Supplementary Nutrition Programme) and MSPY (Mukhyamantri Sampurna Pusthi Yojana) for the month of December, 2024.

5. This Court while issuing notice considering the urgency posted this matter to this date and requested the learned counsel for the State to produce the record on the basis of which, the impugned order at Annexure-6 was passed.

6. Learned Senior Counsel for the Petitioners submits that the show cause notice at Annexure-4



was issued on 18.12.2024 and referring to the endorsement in the body of such show cause, it is stated that same was received on 19.12.2024 and the attention of this Court is drawn to the last paragraph of the said show cause at Annexure-4 indicating that seven days time was granted for the Petitioners to submit reply.

Annexure-5 is the reply to such show cause and it is evident from the endorsement of the Office of the District Social Welfare Officer, (DSWO), Mayurbhanj that the same was received on 24.12.2024.

7. At this juncture, the attention of this Court is drawn to the impugned order at Annexure-6. And, on a bare perusal of the same, it is evident that the same was signed on 17.12.2024 and from the memo, it is seen that the same was issued on 19.12.2024.

8. It is submitted by the learned Senior Counsel for the Petitioners that demonstrably prejudging the issue even before issuing the show cause notice, the decision has been taken to pass the impugned order as such, on the sole ground of violation of principle of natural justice and the patent bias order cannot stand the scrutiny of this Court.



9. Per contra, learned counsel for the State and learned counsel appearing for the Opposite Party No.5 submit that the circumstances under which Annexure-6 has been issued has to be taken into account before considering the submissions of the learned Senior Counsel appearing for the Petitioners.

10. It is brought to the notice of this Court that there was allegation against the Petitioners for preparing unhealthy and unhygienic THR Chhatua, taking into account that it mostly caters to the needs of the children and once it has come to light that the same is of substandard, the Authorities could not have shut their eyes and allow the irregularity to continue at the peril of health of the children and lactating mothers. Hence, it cannot be said that the action taken by the Authorities is arbitrary.

11. But at the same time, so far as the grounds as advanced by the learned Senior Counsel for the Petitioners regarding prejudging the issue is concerned is not controverted and this Court, on perusal of the record, is also persuaded to hold that Annexure-6 is liable to be set aside, since the same was passed on the very day the show cause was issued. Hence, the issuance of show cause, as



rightly submitted by the learned Senior Counsel, is just a hogwash.

12. Be that as it may, this Court of equity is of the considered view, on a conspectus of the materials on record and in the light of the health concerns of lactating mothers and children, in the background of the allegations that have been made **while setting aside the impugned order at Annexure-6**, directs the Authorities to take into account the detailed show cause as submitted at Annexure-5 dated 24.12.2024 by which the allegations that the food materials are of substandard has been rebutted and take a fresh decision in the matter without being prejudiced by the earlier order passed, annexure-6 impugned herein.

13. Keeping in view the urgency of the matter and to cut out the delay, it is directed that the Petitioner or its authorized representative as well as Opposite Party No.5 or its authorized representative shall appear before the Opposite Party No.2 (Collector and District Magistrate, Mayurbhanj) on 02.04.2025.

Considering the schematic arrangement as made in the revised guideline for implementation of Take Home Ration, 2018 (Supplementary Nutrition



Programme of ICDS and Scheme for Adolescent Girls) issued by the Government of Odisha, Department of Women and Child Development and Mission Sakti which, it is stated at the Bar is still in vogue, the Opposite Party No.2 (Collector And District Magistrate, Mayurbhanj) shall pass a reasoned order and communicate the same to the Petitioners as well as Opposite Party No.5 on or before 11.04.2025.

14. Accordingly, the Writ Petition stands disposed of.

15. U.C.C. as per rules.

**(V. Narasingh)
Judge**

Santoshi

Signature Not Verified

Digitally Signed
Signed by: SANTOSHI LENKA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 27-Mar-2025 10:50:23

