

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29272 of 2022

***Maa Jagati Janani WSGH,
Jagatsinghpur***

....

Petitioner

Mr. J.K. Mohanty, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “The petitioner therefore most humbly prays that this Hon’ble Court may graciously be pleased to admit this case, issue notice to the Opp.parties and after hearing both the parties may pass orders by declaring the selection of O.P. No.7 as Fair Price Shop dealer under PDS system on the basis of recommendation as illegal and arbitrary and may further be pleased to direct O.P. No.3 & 5 to select petitioner’s SHG as FPS dealer of Badarodanga Distribution Centre by following due process of laws.
- And may pass any other order(s), direction(s) as this Hon’ble deem just and proper;”
4. It is submitted by learned counsel for the petitioner that although the application of the present petitioner is pending for appointment as FPS dealer under PDS control order, the Sub-collector, Jagatsinghpur- Opposite Party No.3, who is the competent authority, has not taken any

decision in the meantime. Further learned counsel for the petitioner referring to the letter dated 08.12.2021 issued by the B.D.O., Ballikuda to Sub-collector, Jagatsinghpur submits that the said B.D.O. has intimated the Sub-collector, Jagatsinghpur to consider the case of Shree Jagannath WSHG-Opposite Party No.7 as the case has been recommended by the MLA, Erasama Ballikuda(AC).

5. Learned counsel for the State, on the other hand, referring to the enquiry report submits that the enquiry report in respect of the Women Self-Help Group, conducted in the present case be considered and the decision be taken by the Sub-Collector, Jagatsinghpur under the PDS Control order in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties, the limited nature of grievance involved in the present writ petition and keeping in view the PDS Control Order, this Court disposes of the writ petition at the stage of admission with a direction to the Sub-Collector, Jagatsinghpur-Opposite Party No.3 to take a decision after providing opportunity of hearing to all desirous candidates who have applied in accordance with law within a period of four weeks from the date of production of certified copy of this order. Any decision so taken on the aforesaid issue shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge