

04.03.2021.
Item no. 132.
Court No.13
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**W.P.A. No. 1179 of 2020
(Through Video Conference)**

**Golabati Nibedita S.G.S.Y Swanirvar Gosthi & Anr.
Versus
The State of West Bengal & Ors.**

Mr. L.N. Bhattacharyya

...For the petitioners.

Mr. Bhaskar Prasad Vaisya, Id. AGP,

Mr. Suman Dey.

..For the State.

This is the third round of litigation by petitioner.
The petitioner is a self help Group spear headed by
Ashima Purkait.

The petitioner was admittedly functioning and was
allowed to cook mid-day meals in the Golabati Free
Primary School under the Mathurapur-II Block, South 24
Parganas. Upon being unable to render duties for being
prevented, the responsibility for cooking meals in the
said school was given to one Ma Laxmi Narayan
Swanirvar Ghosthi. The said entrustment was done as
per the recommendation of the Gilarchat Swadhin
Swapna Sangha and the Pradhan Gilarchat Gram
Panchayet. The petitioner claims that there are
absolutely no allegations against her self help group and
that her ousting from the job is out of business rivalry. A
representation has been made by the petitioner to the
B.D.O., Mathurapur-II Block against the entrustment of
the cooking job to Ma Laxmi Narayan Swanirvar Ghosthi
and wrongful termination of the petitioner's engagement.

It is alleged that the petitioner was not informed of the reason for disengagement.

This Court notes that the petitioner was part of a process a Central Government Scheme for supplying mid-day meal to school children in rural areas. The cooking and availability of mid-day meal to the children cannot be interfered with or stopped. The petitioner's grievance is primarily against the private respondent no. 11.

Counsel for the State submits that the change was occasioned by reason of a mass petition dated December 14, 2018 received by the B.D.O. in this regard. Copies of such petition have been placed before this Court. The said petition is directed against one Chandana Kayal who was cooking mid-day meal prior to the petitioner. It appears that more than one person were competing to cook mid-day meal in the said school and the B.D.O. has, with a view to smooth availability of meals and to prevent any untoward incident in the process thereof, appointed the respondent no. 11.

This Court notes that there is no uniform procedure or policy in the State for engagement of persons to cook mid-day meal in schools. There are rival groups competing for the said job and competition is stiff given the huge unemployment in the State. All kind of means are adopted to be able to get an opportunity to cook meals in schools by rival groups.

Earlier attempts, as found by this Court, in some District to allow people to cook mid-day meal by rotation have resulted in more chaos.

The B.D.O., Mathurapur-II Block and the District Magistrate, South 24 Parganas shall ensure appropriate police protection in the event of any interference by any person entrusted with the responsibility of cooking mid-day meals to the students under the aforesaid scheme.

The B.D.O., Mathurapur-II Development Block, South 24 Parganas shall also examine the circumstances under which the petitioner was prevented from cooking mid-day meal in the school in question. A report may be submitted to the DM in this regard.

This Court is not inclined to interfere with the cooking responsibility given to the respondent no. 11 only in the interest of the children of the school in question.

The rights that the petitioner may have against the private respondent no. 11, if any, may be agitated before the appropriate forum for appropriate remedy in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

