

02
07.12.2021
Ct. No.23
(NB)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16323 of 2021

Moriom Nesha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Mujibar Ali Naskar
...for the petitioners.

Mr. Pinaki Dhole,
Ms. Kakali Samajpaty.
... for the State.

Affidavit of service filed in Court today is taken on record.

The deficit Court fees have been paid.

The petitioners who are eleven in number say that they were engaged as Anganwadi workers and Anganwadi helpers under the ICDS project. All of them have retired on attaining the age of 65 years. The respective date of retirement of the petitioners are provided in paragraph 4 of the writ petition.

The petitioners say that a government circular was issued on 30th September, 2020 by the Joint Secretary, Women and Child Development and Social Welfare Department, Government of West Bengal by which the retiring age of the Anganwadi workers and Anganwadi helpers were kept unchanged i.e. 65 years but the date of retirement was fixed to be the last date of the month in which such worker and/or helper

attained the age of 65 years. The memo also provides for an one-time terminal grant of Rs.3,00,000/- (rupees three lakhs only) to each and every Anganwadi workers and/or Anganwadi helpers from 30th September, 2021 and onwards. All the petitioners have retired prior to 30th September, 2021 and as such does not come within the ambit of the said memo, which is apparently prospective i.e. from 30th September, 2021 and onwards.

The petitioners say that they have been discriminated as Anganwadi workers and/or Anganwadi helpers who have done the same job but are retiring on and from 30th September, 2021 is entitled to an one-time terminal benefit.

This decision is a policy matter involving financial implications. The decision of the State Government as appears from the memo dated 30th September, 2021 is unambiguous. The decision reflected therein should be construed to have been taken in a conscious manner after considering the financial implication. The interference in matters involving judicial review of policy matters involving complex economic issues is on a very limited score. No patent illegality is observed in the policy decision of the State government, which admittedly involved an economic decision. Interfering into such a policy matter will amount to transgressing into a domain of administrative matters left to the executive. The law has been well laid down by the Hon'ble Supreme Court in the judgment of ***Arun Kumar Agrawal vs. Union of India & Ors.*** reported in (2013) 7 SCC 1 and ***Villianur Iyarkkai Padukappu Maiyam vs. Union of India & Ors.*** reported in (2009) 7 SCC 561.

Considering the matter in the light of the observations made by the Hon'ble Supreme Court and applying the ratio to the case in hand, I do not find any scope of interference in the matter. The writ petition is, therefor, devoid of merits and is accordingly dismissed without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)