

08.03.2022
Item No.6
srm

W.P.A. No. 77 of 2022

Fatema Khatun & Ors.

Versus

The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Tapas Manna

...for the Petitioners.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the State-respondents.

Sk. Rejaul Alam

...for the Respondent No.6.

Although on the last occasion the Court was given the impression that the matter related to compensation for damages suffered by the petitioners during Amphan, on perusal of the report filed by the State-respondents, it appears that the matter relates to denial of the benefits under the Destitute Minority Women's Rehabilitation Programme (hereinafter referred to as the said Programme) in terms of the Notification No.856-Md. Dated May 31, 2010.

The report filed by the Block Development Officer dated March 4, 2022 is taken on record. From the said report, it appears that out of 39 applicants, who were listed in the priority list, 8 of them have been found eligible for the

benefit under the said Programme. Out of those 8 eligible destitute minority women, the petitioner No.3 has been found to be eligible.

It is submitted on behalf of the petitioners that a three-man working committee was constituted. The committee made an enquiry to assess the eligibility and filed a report. It appears that the petitioner Nos. 1, 2 and 4 have not been found to be eligible. It is submitted that the enquiry should have been conducted in the presence of the petitioner Nos.1, 2 and 4, so that they could explain their destitute condition to the enquiry committee. It also appears that the report prepared was not served upon the petitioners.

Thus, this Court is of the opinion that in consonance with the principles of natural justice, the petitioner Nos.1, 2 and 4 must be given a hearing by the committee, which was constituted to make the enquiry, and allow the said petitioners to make their respective submissions and file their respective documents before the enquiry committee in support of their cases.

A reasoned order shall be passed and communicated to all concerned. Before giving a hearing to those petitioners, the committee must visit the locale to make a spot inspection in the presence of those petitioners to assess their living conditions. The eligibility of the said petitioners shall be

decided on the basis of the findings during the inspection and at the hearing.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

With regard to the payment to the petitioner No.3, the authority will proceed in accordance with law, expeditiously for grant of the benefit.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)