

July 12, 2022
Sl. No.19
Court No.1
s.biswas

WPA (P) 202 of 2022
Abhisek Guchait and others
vs.
The State of West Bengal and others

Mr. Supriyo Chattopadhyay,
Mr. Samaresh Chandra Dhara, Advocates
...for the petitioners
Mr. Pantu Deb Roy,
Mr. Anand Farmania, Advocates
... for the State
Mr. Arnab Roy,
Mr. Satyam Mukherjee,
Mr. Soumyadeep Mukherjee, Advocates
... for the respondent Nos.6 & 7

The plea raised in this public interest petition is that the local Ward Committee in Ward No.13 under the Tamralipta Municipality was having an office which has suddenly been converted into Integrated Child Development Scheme (ICDS) centre and that the space of the office is not sufficient for the ICDS centre, therefore a direction has been sought in the petition to withdraw the decision of the Board of Administration of the Tamralipta Municipality dated 13th January, 2022 in respect of conversion of Ward Committee office into ICDS centre.

The submission of learned counsel for the petitioners is that the office space of the Ward Committee which has been converted into ICDS centre is not adequate and sufficient for the ICDS and that in terms of Rule 14(3) of the West Bengal Municipal (Ward Committee) Rules, 2001, the Municipality is required to provide an office to the Ward Committee, therefore the office space of the

Ward No.13 be taken back from ICDS and handed over to the Ward Committee.

Opposing the prayer, learned counsel for the respondent Nos.6 and 7 has submitted that having regard to the emergency situation on account of COVID-19, there was a need for ICDS centre, therefore office space of the Ward Committee has been converted into the ICDS centre where the pregnant women and children are lodged. He has also submitted that another office will be duly provided not only to Ward Committee of Ward No.13 but to all the existing Ward Committee. He has undertaken, on instruction, that another suitable space will be provided to the Ward Committee No.13 within six months from today.

Having heard the learned counsel for the parties and on perusal of the record it is noticed that in terms of Rule 14(3) of the Rules of 2001 it is the duty of the Municipality to provide office space to each of the Ward Committee, but a Ward Committee cannot claim that any particular place should be provided to that Committee. That apart it is also noticed that this public interest petition is at the instance of some local residents, but no member of the Ward Committee has come forward to make any grievances.

Affidavit-in-opposition filed by the respondent Nos.6 and 7 reveals that there was greater need for opening the ICDS centre and presently the ICDS centre in question is attending to 6 mothers, out of whom 2 are pregnant and

30 children between the age group of 6 months to 5 years and they are being provided adequate service in the said ICDS centre. It is also disclosed that one permanent cook has been appointed for the purpose of preparing food for the children and their mothers. The ICDS centre has been opened for the greater purpose to serve local children and their mothers and it is operated by the Department of Health and Family Welfare, Government of West Bengal.

Hence, at this stage, it would not be in the larger interest to stop the function of the ICDS centre in the premises in question.

Thus, we dispose of the present petition directing the respondent Nos.6 and 7 to abide by their undertaking before this Court and to provide an alternative suitable place to the Ward Committee of Ward No.13 within a period of 6 months from today.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]