

ML- 20.07.2022
184 Ct.15
rkd

W.P.A. 16087 of 2019

Sonali Begam Sardar & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti AGarwal

....for the petitioners.

Ms. Priyankshi Banerjee

....for the respondent nos.7, 11 to 13.

Affidavit-of-service filed by the petitioner is
taken on record.

By instituting the present writ petition the members of Rokeya Mahila Samity being a self-help group has questioned the decision of the Block Development Officer, Karimpur-II Development Block being the respondent no.6, dated 4th July, 2019 whereby for running the Mid-Day Meal Programme in Mahammadia Madhyamik Shiksha Kendra (hereinafter referred to as 'said MSK') instead of self-help group of petitioners another self-help group Mayar Bandhan Anandadhara Gosthi has been inducted for cooking meal under the said Mid-Day Meal Project.

Petitioners being the members of said Rokeya Mahila Samity being represented by Mr.

Biswas, learned advocate has submitted that the decision dated 4th July, 2019 by the respondent no.6 is not tenable in view of Memo dated 30th August, 2019 which imposes bar on the authority to remove any self-help group from the Mid-Day Meal Programme.

In addition thereto Memo dated 6th January, 2015 has been brought to the notice of this Court which ensures payment of honorarium to Cook-cum-Helper engaged under Mid-Meal Scheme.

Respondent nos.7, 11 to 13 are represented by Ms. Banerjee, learned advocate.

State respondents remain unrepresented today in spite of service of notice upon the learned advocate of the State respondents in terms of the previous order passed by this Court.

Considering the submissions made on behalf of the petitioners and on perusal of the impugned decision dated 4th July, 2019, it appears that the decision to remove Rokeya Mahila Samity from the Mid-Day Meal Scheme of said MSK has been taken by the respondent no.6 after hearing Savapati, Karimpur-II Panchayat Samity and Prodhan, Narayanpur-II Gram Panchayat and President, School Managing Committee of the said

MSK and Mukhya Shiksha Samprasarika. Based on submission made by the authorities present before the respondent no.6 it was found that quality of cooked food of the petitioners' self-help group was not up to the mark and it was also found that newly inducted self-help group namely Mayar Bandhan Anandadhara Gosthi was performing well and preparing better food than the self-help group of the petitioners.

It has also been considered by the respondent no.6 that some of the members of Rokeya Mahila Samity had joined the newly inducted self-help group namely Mayar Bandhan Anandadhara Gosthi. Based on these findings the respondent no.6 found fit to allow Mayar Bandhan Anandadhara Gosthi to be engaged for cooking of Mid-Day Meal in the said MSK.

In addition thereto on consideration of the Memo dated 30th August, 2019 issued by the Principal Secretary, School Education Department it does not transpire that there is bar in taking decision to replace the existing Cook-cum-Helper if reasons are assigned in support of the same by the concerned authority.

In consideration of the decision of the respondent no.6 dated 4th July, 2019 it can be

inferred that certain reasons have been assigned by the respondent no.6 while permitting a new self-help group to be engaged in cooking mid day meal.

Moreover, Memo dated 6th January, 2015 does empower the concerned Block Development Officer to solve any problem with regard to payment of honorarium to the self-help group or its members who are engaged in Mid-Day Meal Programme. The said Memo dated 6th January, 2015 further goes to show the engagement of Cook-cum-Helper under the Mid-Day Meal Scheme should be for a minimum period of six months. Here in the present case petitioners' self-help group functioned for more than six months and as per Memo dated 30th August, 2019 there is no express bar in removing the existing the self-help group which is functioning for more than six months upon assigning appropriate reasons.

In view of aforesaid position, this Court does not find any flaw in the decision of the respondent no.6 dated 4th July, 2019 and accordingly, the writ petition stands dismissed.

However, There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual

undertakings.

(Saugata Bhattacharyya, J.)