

Ct. 14.12
No. 14 2022
15
akb

W.P.A. 27316 of 2022
Chatamghutu Unnayan
Mahila Swanirbhar Samity & Anr.
-Versus-
The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri
Mr. Rajesh Naskar ...For the Petitioner

Ms. Sipra Majumdar
Ms. Prativa Ghatak ...For the State Respondents

The petitioner No. 1, Chatamghutu Unnayan Mahila Swanirbhar Samity is a self help group and the petitioner No. 2, Smt. Adari Mahato being its Secretary represents the petitioner No. 1. Since 26th June, 2004 the petitioners were engaged in cooking and providing midday meal for the Chatamghutu Primary School (hereinafter referred to as the School). By doing this work, they not only sustained their livelihood, but the food they prepared was provided to the students of the School.

By Notification dated 2nd June, 2009 issued by the District Magistrate, Purulia the concerned Block Development Officer was directed to ensure that the engagement of the petitioners continued. But on 8th October, 2015, the Block Development Officer, Jhalda-I, Purulia, by issuing a notice directed that the midday meal of the said School and other Schools would be prepared by all the recognised self-help groups of the locality on rotation. However, by a notice dated 26th November, 2015 the earlier notice/direction issued by the Block Development Officer was withdrawn.

The petitioners allege that after issuance of the direction of Block Development Officer vide notice dated 8th October, 2015 some local self-help groups forcibly entered into the School premises and they put padlock on the gate of

the School and thereby disrupted the functioning of the petitioners in cooking midday meal. Because of such incident, the preparation of midday meal and distribution of the same to the students have come to stand still. The petitioners made representations to the different concerned authorities seeking redressal of their grievances, but to no effect. Under such circumstances, the petitioners have approached this Court by filing the instant writ petition seeking, inter alia, the following reliefs:

“b. A Writ of and/or in the nature of Mandamus be issued by directing the concerned respondent authorities herein to restore the function of the petitioner no. 1 and/or reengage and/or engage the petitioner’s Self Help Group, namely, Chatamghutu Unnayan Mahila Swanirbhar Samity (Self Help Group) to continue as the existing Self Help Group to cook and serve Mid-Day Meal in the Chatamghutu Primary School without any hindrance and/or any disturbance forthwith;

c. A Writ of and/or in the nature of Mandamus be issued by directing the concerned respondent authorities herein to ensure continuity and/or re-engagement and/or engagement of the petitioner’s Self Help group, namely, Chatamghutu Unnayan Mahila Swanirbhar Samity (Self Help Group), in the Chatamghutu Primary School for cooking Mid-Day Meal in the concerned school without any disturbance and/or hindrance of any other Self Help Group forthwith;

d. A Writ of and/or in the nature of Mandamus be issued by directing the concerned respondent authorities herein not to introduce any rotation and/or lottery system and/or engage any other Self-help Group for cooking and serving Mid-Day Meal in the Chatamghutu Primary School and thereby allow the petitioner no. 1 to continue as the existing Self Help Group without any disturbance forthwith.”

What I find from the documents annexed to the writ application, the petitioners were engaged in cooking midday meal of the said School since 26th June, 2004. By a Memo dated 2nd June, 2009 issued by the District Magistrate, Purulia, functioning of the petitioners to cook the midday meal continued. However, trouble broke out when the concerned Block Development Officer issued a notice on 8th October, 2015 directing all the recognised self-help groups of the locality to cook midday meal for different Schools on rotation. However, as it appears from a notice dated 26th November, 2015, the Block Development Officer, Jhalda-I, withdrew the notice dated 8th October, 2015. Therefore, it stands that the petitioners are now the only authorised self-help group to cook midday meal for the School.

It is alleged by the petitioners that some unknown persons and/or groups put padlock on the gate of the school and by which cooking of the midday meal by the petitioners got disrupted.

I find that the similar issue was raised before a Coordinate Bench in the writ petition being *W.P. 7116 (W) of 2016 (Mangalmayee Mahila Samity (Self Help Group) & Anr. Vs. The State of West Bengal & Ors.)* and the writ petition was disposed of with the following observation and direction :-

“The primary object of the Mid-day Meal Scheme is to ensure improvement of nutritional status of children studying in the schools and to encourage the poor children to concentrate on class room activities and also to provide a source of living to the poor women constituting the SHGs. Any hindrance towards the normal functioning of SHG should be appropriately dealt with by the competent authority as the scheme involves

interest of poor children. I would also be explicit from the memorandum dated 20th December, 2010 it is incumbent upon all the respondents to ensure that the Mid-day Meal Scheme is properly implemented in the schools of the district and the continuance of engagement of the petitioner no. 1 stands fortified by the memorandum dated 26th November, 2015 issued by the respondent No. 4.

For the reason discussed above, this Court directs the respondent no. 4 to take necessary steps to ensure continuance of engagement and functioning fo the petitioner no. 1 in the said school within a period of two weeks from the date of communication of this order. The said respondent no. 4 would also be at liberty to take the assistance of the police authorities, if necessary.”

I find that the order passed by the Coordinate Bench in the aforesaid writ petition covers the issue as raised in the instant writ petition.

Having heard the learned Counsels appearing for the parties, on consideration of the materials placed on record and in view of the order dated 29th April, 2016 passed by the Coordinate Bench in W.P. 7116 (W) of 2016 the writ petition may be disposed by passing the following order.

The respondent No. 2, the District Magistrate, Purulia and the respondent No. 3, Block Development Officer, Jhalda-I are directed to take necessary steps to ensure the continuance of engagement and functioning of the petitioners in the said School to prepare Midday meal for the students of the school within fifteen days from the date of communication of this order. In doing so, the respondent Nos. 2 and 3 may take assistance of the police authorities, if necessary. All the respondents are directed to ensure that other self-help groups are not allowed to enter into the

school premises for the purpose of cooking midday meal.

With the aforesaid directions the writ petition stands disposed of.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)