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29.11.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 3336 of 2023

Smt. Krishna Saha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Golam Mastafa,
Mr. Tarasankar Samanta,
Mr. Subir Sabud
...for the petitioners

Ms. Kakali Samajpati
...for the State

Ms. Shabana Hasin
...for the applicants

1. Learned counsel for the applicants in the addition of the party application submits that taking undue advantage of the present writ petition, the applicants' rights are being curtailed. It is submitted that the writ petitioners have been suspended from their job as cooks under the Mid-day meal Scheme, along with the present applicants. All of them, it is submitted, are part of self-help women's groups.

2. However, subsequently, the suspension of the present proposed added parties was lifted, whereas that of the writ petitioners was not. Hence, it is submitted that the reliefs sought by the writ petitioners would affect the rights of the proposed added parties.

3. Such contention is controverted by learned counsel appearing for the writ petitioners, who submits that the proposed added parties have preferred their own writ petition regarding their own grievances and do not have any axe to grind in the present writ petition.

4. It transpires that the primary grievance of the proposed added parties is that their own rights to get proper remuneration as Mid-day meal cooks are not being honoured by the respondent-authorities.

5. However, I do not find that the proposed applicants have any interest in the present writ petition. The limited grievance sought to be ventilated in the present writ petition is that the writ petitioners are allegedly not getting their remuneration, with which the proposed added parties do not have anything to do, since the limited context of the present writ petition is whether the petitioners are individually entitled to remuneration for services rendered by each of them as Mid-day-meal cooks, which has no bearing on the other rights of the proposed added parties.

6. In the event the proposed added parties have a grievance regarding the writ petitioners eating into the remuneration of the proposed added parties, since the proposed added parties and the writ petitioners apparently have certain schools where

they work as Mid-day meal cooks in common, it is open for the proposed added parties to ventilate such grievance in their own writ petition or otherwise. However, I do not find that the proposed added parties are either necessary or proper parties to the present writ petition. Accordingly, C.A.N. 1 of 2023 is dismissed.

7. Insofar as the writ petition is concerned, learned counsel for the petitioners submits that although initially the petitioners were not getting due remuneration for services rendered by them as Mid-day meal cooks, now they are getting such remuneration. As such, the writ petition has become infructuous.

8. The relief sought in the writ petition is that an order passed by the Block Development Officer, Jalangi, Murshidabad, dated July 29, 2022 should be adhered to while disbursing remunerations to the petitioners.

9. From the first relief sought in the writ petition, however, it is found that the petitioners seek implementation of an order contained in Memo No. 2323/1(54) dated August 29, 2022.

10. However, I do not find that even a copy of such memorandum has been annexed to the present writ petition.

11. Thus, the reliefs sought by the writ petitioners cannot be granted in any event. Even otherwise, since the petitioners submit that they are now getting their remuneration pursuant to a previous order passed in a writ petition, no cause of action subsists for the present writ petition. In the absence of the relevant memorandum having been annexed to the writ petition, the writ petition is even otherwise not maintainable in law and in its present form.

12. In such view of the matter, W.P.A. No. 3336 of 2023 is dismissed without, however, any order as to costs.

13. However, nothing in this order shall prevent either the applicants in C.A.N. 1 of 2023 or the writ petitioners from preferring any challenge to any illegal or unlawful action taken by the respondent-authorities insofar as the entitlements of the proposed added parties and the writ petitioners regarding remuneration for their services rendered as Midday Meal cooks is concerned.

14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Sabyasachi Bhattacharyya, J.