

17.3.2023
Ct.19/sl.34
sn

WPA 3599 of 2023

Maa Kali Swanirvor Dal
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Mondal
Mr. Kingshuk Mondal
...for the petitioner
Mr. J.L. De
Mr. Rudranil De
...for the State

Let the affidavit of service be taken on record.

The petitioner is a self-help group represented by its secretary.

The petitioner was engaged to supply mid-day meal to Haripur Uttar Netaji Free Primary School, sometime in 2006.

It is alleged that all of a sudden, the petitioner was disengaged by an order of termination.

The petitioner approached the Sub Divisional Officer, Kakdwip, South 24 Parganas for a decision in the matter and also for other reliefs.

The Sub Divisional Officer, Kakdwip directed the Block Development Officer, Namkhana Development Block to look into the matter.

At such juncture, the petitioner moved this writ petition for re-engagement and direction upon the respondents to permit the petitioner to supply mid day meal to the primary school.

The Block Development Officer, Namkhana Development Block had filed a detailed report before the Sub Divisional Officer, Kakdwip by a letter dated November 21, 2022.

It appears that the petitioner used to run the mid-day meal programme at Haripur Uttar Netaji Free Primary School from 2006. Gradually, the group started indulging in mal-practice poor and reduced quantity of foodgrains, potatoes etc. were being supplied contrary to the government's allocation. The petitioner was warned by the aware Village Education Committee, School Monitoring Committee and guardians. Similar situation occurred repeatedly and the petitioner was caught red handed many times.

The guardians submitted a complaint before the concerned Block Development Officer. The Block Development Officer visited the school on September 24, 2021 and checked the quality and quantity of the potatoes.

The Secretary of the group apologized and prayed for chances to rectify. There are allegations of misbehaviour with the teachers. Opportunities were given to the petitioner.

Again, on March 31, 2022, it was found that poor quality of potatoes were being supplied to the students. The teacher-in-charge informed the matter

to the Village Education Committee. An FIR was lodged and the matter was communicated to the Block Development Officer on April 21, 2022. The School Monitoring Committee engaged another group.

The entire matter was communicated to the Block Development Officer on May 2, 2022. The petitioner confessed to the allegations leveled against it. A letter to that effect was written to the Block Development Officer. The defence of the petitioner was “mistake”.

A copy of the letter written by the ‘Dal’ has been annexed to the documents filed before this Court. The matter had already been informed in details to the Sub Divisional Officer, Kakdwip.

The Block Development Officer, Namkhana Development Block was all along aware of the situation and whatever transpired between the petitioner and the stakeholders in this regard.

The petitioner has approached the Sub Divisional Officer with the grievances.

Under such circumstances, this writ petition is disposed of with a direction upon the Sub Divisional Officer, Kakdwip, South 24 Parganas to inform the petitioner the reasons as to why the ‘Dal’ was disengaged from the work of supply of mid-day meal.

It appears that another group has already engaged for the said purpose.

Before the Sub Divisional Officer passes an order, an opportunity of hearing shall be given to the petitioner.

A reasoned order shall be passed and communicated to the petitioner.

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

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)