

Ct. 22.03
No. 14
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akb
2023

W.P.A. 7254 of 2021
Shubo Nath Mahato
-Versus-
The State of West Bengal & Ors.

Mr. Saibal Kumar Acharya
Mr. Sukhendu Bikas Mukherjee ...For the Petitioner

Mr. Swapan Banerjee
Mr. Khairul Alam ...For the State
Respondents

The writ petitioner is a Samprasarak in Majhidih Madhyamik Siksha Kendra (MSK). One Sri Madan Chandra Kumar was Samprasarak-in-Charge of the said Siksha Kendra. But engagement of Sri Madan Chandra Kumar came to an end on superannuation on 31st May, 2017. For smooth functioning of the Siksha Kendra, the Administrative Committee by adopting a resolution held in a meeting dated 24th May, 2017 entrusted the writ petitioner to act as a Samprasarak-in-Charge of the Siksha Kendra with effect from 31st May, 2017.

After being entrusted to act as Samaprasarak-in-Charge, the writ petitioner discharged his duties very sincerely and diligently. The writ petitioner was also entrusted to operate the Bank account of the Madhyamik Siksha Kendra jointly with the Samity Education Officer.

The petitioner spent money towards cooking mid-day meal with a hope that all the expenditure made by him would be credited in his favour. But by an order dated 24th January, 2018, passed by the respondent No. 6, Block Development Officer, Jhalda-II Block one Sri Aswani Kumar Mahato, a Samprasarak

of the said Siksha Kendra was given the charge to operate the Bank account jointly with the Samity Education Officer.

Aggrieved by such action on the part of the respondent No. 6 and non-crediting the expenditure made by him, the writ petitioner filed a writ petition being W.P. 6502 (W) of 2018 seeking refund of the amount spent by him as well as directions so that he could operate the Bank account.

By order dated 16th April, 2019 the writ petition was disposed of by a learned Coordinate Bench of this Court giving liberty to the writ petitioner to approach the appropriate authority under the law to claim refund of the amount.

Accordingly, the writ petitioner approached the respondent No. 6 with a representation, but, by order dated 30th August, 2019, the Block Development Officer, Jhalda-II, turned down his representation.

Aggrieved by the order of rejection the writ petitioner by filing the instant writ petition seeks, inter alia, the following reliefs :-

- a) *“A writ in the nature of Mandamus commanding the Respondents more particularly the respondent No. 6 to forthwith rescind and/or cancel and/or withdraw the impugned proceeding including its order being Annexure – P/9 to this application and further commanding the said respondent No. 6 to release and refund the amount incurred by the petitioner for the purpose of continuing the Mid-day Meal at least*

*for the month of August, 2017 to January, 2018
on the basis of the voucher annexed hereto;*

b) A Writ in the nature of Mandamus commanding the respondents more particularly the respondent No. 6 not to give any effect and/or further effect and/or to proceed with in any manner on the basis of the impugned proceeding being Annexure – P/9 to this application and further commending the respondents to perform all duties and responsibilities usually assigned to any Muksha Samprasarak in Charge for smooth running of the School by taking appropriate decision on the basis of the complain lodged by the petitioner being Annexure – P/12 to this application and to pay all his due amount as sped by the petitioner for Mid-day Meal.”

It appears from the record that the writ petitioner by filing the writ petition being W.P. 6502 (W) of 2018 sought for direction upon the respondent No. 6 so that the expenditure made by him towards cooking of mid-day meal etc. could be refunded to him and he be permitted to operate the Bank account.

A coordinate Bench by order dated 16th April, 2019 disposed of the writ petition with the following directions:-

“However, the petitioner will be at liberty to approach the appropriate authority under the law to claim refund of the said amount. If such claim is made by the petitioner then the authorities shall act and proceed in accordance with law preferably within four weeks from the date of receipt of any such application from the petitioner in this regard.”

In compliance with aforesaid order of the learned coordinate Bench, the writ petitioner made a representation, which was disposed of by the respondent No. 6 by order dated 30th August, 2019. By this order, the respondent No. 6 rejected the claim of the writ petitioner on the ground that the petitioner could not furnish the expenditure vouchers, stock register or rice receiving vouchers. However, he sought ten days' time for submitting the relevant documents. Be that as it may, the respondent No. 2 not being satisfied with the submissions advanced on behalf of the writ petitioner disallowed his representation.

Learned Counsel appearing for the writ petitioner submits that the petitioner has found out the expenditure vouchers, stock register etc. He submits that in view of the documents collected on search, the concerned respondent be directed to revisit the claim of the petitioner and dispose of his accordingly.

Per contra, learned Counsel appearing for State respondents submits that since the writ petitioner was given ample opportunity to file necessary documents before the authority concerned and since he could not avail of the opportunity, no further opportunity should be given to him. He submits that the writ petition filed by the petitioner having no merit is liable to be dismissed.

After going through the documents filed by the writ petitioner which are annexed to the writ petition, I find that the writ petitioner claims that these documents are the expenditure vouchers, rice receiving

vouchers, stock register etc.

Having heard the learned Counsels appearing for the parties, I feel that the writ petition may be disposed of by passing the following order.

The writ petitioner is directed to make a comprehensive representation to the respondent No. 4, the Sub-Divisional Officer, Jhalda, P.O. & P.S. Jhalda, District – Purulia, making the claim in view of the documents annexed to the writ petition within fifteen days from date. After receiving the comprehensive representation, the respondent No. 4 shall consider and dispose of the representation of the writ petitioner by passing a reasoned order upon giving an opportunity of hearing to him within six weeks from the date of receipt of the representation. While considering the representation, the respondent No. 4 will bear in mind the documents annexed to the writ petition.

It is made clear that if the respondent No. 4 is satisfied with the claim of the writ petitioner, the respondent No. 4 is at liberty to modify the impugned order passed by the respondent No. 6.

Once the order is passed, the respondent No. 4 shall communicate the order to the writ petitioner within seven days from the date of passing of the order.

With the aforesaid directions the writ petition stand disposed of.

Since, no affidavit-in-opposition has been

invited the allegations made in the writ petition are deemed to have been not admitted by the respondents.

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.*)