

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Shekhar B. Saraf

WPA No 5246 OF 2020

CAN No 1 OF 2023

SMT. NETULA DAS & ORS.

Vs.

THE STATE OF WEST BENGAL & ORS.

For the Petitioners : Mr. Tapash K. Bhattacharya, Adv.
Mr. Aviroop Bhattacharya, Adv.

For the State : Mr. Arindam Chattopadhyay, Adv.
Mrs. Lipika Chatterjee, Adv.

For the Respondents : Mr. Soumak Bera, Adv.

Last Heard On : September 27, 2023

Judgement On : October 05, 2023

Shekhar B. Saraf, J.:

1. The instant writ petition has been filed by members of a self-help group (hereinafter referred to as 'SHG') by the name of Milon Sova Self Help Group (hereinafter referred to as 'Milon SHG') challenging the notice of the Block Development Officer Harishchandrapur II Development Block, Barduari, Malda (hereinafter referred to as 'BDO Harishchandrapur II') dated March 11, 2020. The petitioners have prayed for a writ of/or a writ in the nature of Mandamus by directing the respondent no.5, that is, BDO Harishchandrapur II, to withdraw, recall and set aside the impugned notice dated March 11, 2020. The petitioners have also prayed for a writ of/or a writ in the nature of Mandamus seeking directions against the Block Development Officer to consider the application of the petitioners, that is Milon SHG, for selection as the local SHG to run the hostel of Hardamnagar Jr. Basic High School (hereinafter referred to as 'Hardamnagar High School').

Facts

2. The factual matrix of the case is as follows:
 - a. The petitioners are the Savapati, Saha Savapati and Group Leader of the Milon SHG situated within Gram Sadan no. 17 of Hardamnagar Gram Panchayat. On December 5, 2019, the District Education Officer, Samagra Sikhsha Mission, Malda (hereinafter referred to as 'District Education Officer') issued a memo no. 538(3)/SSM informing various Block Development Officers,

including the BDO Harishchandrapur II that residential hostel of Hardamnagar High School, among other schools, will need engagement of new management staff from a local suitable SHG at the start of a new academic year.

- b. The District Education Officer issued memo no. 903(3)/SSM dated January 3, 2020 for the purpose of hiring management staff for residential hostels. The same direction was affirmed by the Additional District Magistrate, Development, Malda and the Additional SSM, Malda through memo no. 968(3)/SSM dated January 28, 2020. Such aforementioned memos requested three Block Development Officers, including the BDO Harishchandrapur II, to engage such staff from suitable local SHGs.
- c. Accordingly, the BDO Harishchandrapur II issued an advertisement dated February 10, 2020, inviting applications from local SHGs for engagement as management staff at the residential hostel of the Hardamnagar High School. On the basis of the said advertisement, the petitioners submitted an application on February 14, 2020.
- d. By a notice dated March 11, 2020, issued by the BDO Hardamnagar II, respondent no.9's SHG named Dishari Self Help Group from Tagachipara, Hardamnagar, Malda (hereinafter referred to as 'Dishari SHG') was selected as the local SHG for the

management staff positions at residential hostels of Hardamnagar High School as per the advertisement dated February 10, 2020.

Contentions

3. The counsel for the petitioners has made the following submissions:
 - a. The petitioners have argued that the BDO Harishchandrapur II has not considered that the advertisement dated February 10, 2020 specifically states “local” SHG and that the private respondent Dishari SHG, is not local.
 - b. It was submitted that Dishari SHG belongs to Gram Sansad no.16 and not Gram Sansad no.17 where the school is situated. Furthermore, the petitioners pointed out that the distance between Dishari SHG and Hardamnagar High School is 3 to 4 kilometres as well.
4. The counsel of respondents has submitted the following submissions:
 - a. It was submitted by respondent no.4, that is, the Additional District Magistrate Development, Malda along with Additional SSM Malda and respondent no.5, that is, the BDO Harishchandrapur II, that the word “local” mentioned in the notice should not be construed in a narrow and limited sense of having to belong to a particular Gram Sansad. The Hardamnagar village and

Hardamnagar High School itself encompass more than one Gram Sansad, and in fact all the SHGs who applied against the notification dated February 10, 2020, belong to the same village and therefore, are local.

- b. Respondent no.4 and 5 also submitted that the petitioners did not raise any objection against Dishari SHG when it had been shortlisted as a contender for the post and only sought directions from this Court after they were not selected for the post.
- c. Respondent no.9, that is, Dishari SHG argued that Talgachipara is situated within the Hardamnagar village, within the Daulatnagar Gram Panchayat and therefore, Dishari SHG's selection as a "local" SHG is valid and they have rightly taken charge of running of the hostels of the Hardamnagar High School.
- d. The counsel for respondent no.9 also submitted Voter cards and Aadhar cards of the members of the Dishari SHG as proof of address of such members to further establish the claim of being "local".

Observation and Analysis

- 5. I have heard the learned counsels appearing for both the parties and perused the materials on record.

6. The primary contention raised by the petitioners pertains to the meaning of the term “local” within the context of the notification dated February 10, 2020. It is observed that the petitioners have not produced any material before this Court where the term “local” has been defined and more so, have contended that the term “local” is to be narrowly construed, so as to mean geographical division on the basis of Gram Sansad.
7. Through a perusal of the submissions made, it is evident that the petitioners belong to the same village as respondent no.9 and Hardamnagar High School. In my view, the narrow construction argued by the petitioners is not justified in any manner whatsoever and is accordingly rejected.

Orders and Direction

8. In view of the aforementioned discussion, I find no reason to intervene in the notice of the BDO Hardamnagar II dated March 11, 2020.
9. Accordingly, this Writ Petition being WPA 5246 of 2020 is dismissed. There shall be no order as to the costs.
10. An urgent photostat-certified copy of this order, if applied for, should be made available to the parties upon compliance with requisite formalities.

(Shekhar B. Saraf, J.)