

18
13.09.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8205 of 2021

**Shree Traders & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. V. Misra,
Mr. S. Chakraborty.
...For the Petitioners.**

**Mr. Susovan Sengupta,
Mr. Manas Kumar Sadhu.
...For the State.**

The petitioners claim to be aggrieved by the order of the Block Development Officer, Baruipur Development Block cancelling the tender by which Mid-day Meal Food grains were supplied.

The petitioners refer to the order dated 28th June, 2005 passed by a coordinate Bench of this Court in WPA 11827 (W) of 2005 filed by the petitioners wherein the Court was pleased to grant an interim order directing the respondents to maintain status quo regarding appointment of mid-day meal distributor in the area in question until further orders.

It has been fairly submitted by the learned advocate appearing on behalf of the petitioners that the said writ petition stood dismissed for non-prosecution by an order dated 1st August, 2014. In view of the dismissal of the writ petition, the interim order that was passed by the Court stood vacated.

A tender was floated for selection of mid-day meal distributor. By order dated 9th June, 2022, the tender notice which was floated for engagement of mid-day meal distributor stood cancelled.

The petitioners submit that the Block Development Officer could not have engaged somebody else in place of the petitioners for distribution of the mid-day meal articles as they were protected by an interim order of status quo passed by this Court.

The aforesaid contention of the petitioners cannot be accepted by the Court. The interim order in favour of the petitioners stood vacated on the day the writ petition stood dismissed for non-prosecution. The petitioners cannot claim to continue with the distributorship for eternity relying on an interim order which already stood vacated.

In view of the above, no relief can be granted to the petitioners in the instant case. The writ petition fails and is hereby dismissed.

It will be open for the Block Development Officer to float fresh tender for appointment of distributor of the mid-day meal articles in accordance with law at the earliest.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)