

09.09.2024
Item No.1
gd/ssd

WPA(P)/314/2024
AMITAVA ROY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Debottam Das,
Ms. Anushika Dibyanjona Das,
Mr. Tirupati Mukherjee
..for the Petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Sayantanee Bhattacharjee
..for the State.

Md. Sarwar Jahan,
Ms. Sumita Sen
..for the Respondent No.4.

Mr. Badrul Karim,
Mr. Kiron Sk.
..for the Respondent Nos.5, 7, 8 and 9.

1. When the writ petition was listed on 29.08.2024, the learned advocate for the petitioner appeared online and after taking into consideration the report filed by the Sub-Inspector of Schools the writ petition was dismissed.

2. Subsequently, the learned advocate for the petitioner mentioned before this court stating that during the virtual hearing due to connectivity issues he could not make his submissions properly and, therefore, wanted the matter to be heard afresh.

3. Based on such submission, the matter was directed to be listed under the caption "To Be Mentioned" and it is so listed today.

4. This writ petition was filed by a teacher as a public interest litigation alleging certain malpractices in the mid-day meal scheme in a particular school.

5. The fact remains that the petitioner is also working as a teacher in the very same school. The allegation was though student strength was at a particular level, the number of students who attend the school regularly was much lesser than the total strength. However, in the mid-day meal scheme records it has been shown as if food has been provided to all students including those students who are not attending or absent at a particular day. This appears to be a genesis in an entire complaint made by the petitioner.

6. The Sub-Inspector of Schools, Suri Central Circle, Bhirbhum has inspected the school and submitted a report to the Chairman of Birbhum District Primary School Council dated 01.08.2024.

7. From the report it is seen that the petitioner has been creating several problems in the school and there is also an allegation that he has been taking video and photographs regarding the mid-day meal scheme and classes where female teacher were teaching and there has been constant problem and the head teacher also made a complaint stating that he received the continuous threat from the writ petitioner.

8. The learned advocate for the petitioner would vehemently contend that in the report submitted by the Sub-Inspector of Schools there is no whisper about the allegation made by the petitioner regarding the mid-day meal scheme.

9. Firstly, we need to point out that the petitioner being a teacher in the very same school and there being certain internal disputes.

10. We cannot consider this as a genuine public interest litigation, rather it is motivated for certain other reasons.

11. Therefore, we cannot entertain the prayer sought for in the writ petition.

12. However, it goes without saying that the Sub-Inspector of Schools, namely, the 3rd respondent and the Chairman of Birbhum District Primary School Council, namely, the 4th respondent shall conduct an audit as to whether the mid-day meal scheme is properly implemented in the said school.

13. Though in the report submitted by the Sub-Inspector of Schools dated 01.08.2024, there is a mention about the manner in which the mid-day meal scheme is being implemented, we would only observe that the Chairman of the Birbhum District Primary School Council shall also look into it as to whether the scheme is being properly implemented.

14. Thus, with the above observation, the writ petition is dismissed.

15. After we have dictated the order the learned advocate for the petitioner would continuously submit that the copy of the report should be furnished to the petitioner and the petitioner should file an exception to the report.

16. As observed earlier, we find that the writ petition cannot be a public interest litigation, it is clearly motivated and the petitioner has certain malafide intentions behind filing the writ petition.

17. Therefore, the writ petition is not only dismissed, but dismissed with costs of Rs.25, 000/- payable by the petitioner to the West Bengal State Legal Services Authorities within 30 days from the date of receipt of the server copy of this order.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)