

09.09.2024
Item No.4
gd/ssd

MAT/1979/2023
SONALI BEGAM SARDAR AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/2/2024

Mr. Atish Kumar Biswas
..for the Appellants.

Mr. Biswabrata Basu Mallick,
Mr. Ratul Biswas
..for the State.

1. This intra court appeal by the writ petitioners is directed against the order dated 20.07.2022 in WPA 16087 of 2019.

2. In the said writ petition the appellants who had been engaged for cooking the mid-day meals for the past 18 years was removed and the 13th respondent was appointed in place of the petitioners by the order of the Block Development Officer, Karimpur-II Development Block dated 04.07.2019.

3. This order was put to challenge in the writ petition.

4. The writ petition was dismissed by the impugned order.

5. We have heard the learned advocate for the appellants and the learned Government counsel appearing for the official respondents.

6. It appears that there were certain allegations against the petitioners with regard to the quality of food prepared in the mid-day meal programme.

7. The Government of West Bengal, School Education Department has laid down a guideline vide memo dated 30.08.2019 as to how such allegations have to be dealt with.

8. In the said memorandum it has been stated that in the case of allegation against any cook-cum-helper proper enquiry should be held by the district administration before taking steps.

9. It is the admitted fact that there was no show cause notice issued to the petitioners nor any opportunity was granted.

10. The petitioners have made serious allegations against the Prodhan and others and submitted that they all form single group and targeted the petitioners who had been functioning for the past 18 years only with a view to help the 13th respondent.

11. Perusal of the impugned order, it is seen that notices were issued to the management committee of the school and others against whom the petitioners have made serious allegations and it appears that all of them in one single words have supported the 13th respondent. In fact, a reading of the order dated 04.07.2019 shows that the specific allegation against the petitioners has not been pointed out. The written

statements of the Prodhan and the members of the 13th respondent etc. has been referred to and the Block Development Officer states that considering all aspects and for well being of the students of the said Kendra and smooth running of the mid-day meal programme, the 13th respondent is engaged as cook-cum-helper in the said Kendra.

12. Thus, it is seen that no specific allegation or mismanagement has been pointed out against the petitioners to replace them by the 13th respondent.

13. That apart, in terms of the guidelines issued by the Government dated 30.08.2019 the district administration should have conducted a fullfledged enquiry which appears to have not been done as the order has been passed by the Block Development Officer.

14. Therefore, we are of the view that the order removing the appellants from the post of cook-cum-helper has to be set aside.

15. However, we are conscious of the fact that the order was passed in the year 2019 and from 2019 the 13th respondent is said to be functioning and if, at this juncture, the 13th respondent is removed and dislodged, then the ultimate sufferers will be the students.

16. The learned advocate for the appellants would contend that the 13th respondent has committed

various misdemeanors and his account has been frozen. However, nothing is on record to indicate so.

17. In the light of the above, we direct the District Magistrate, Nadia to conduct an enquiry in the matter as the petitioners made serious allegations against the Prodhan and others. The District Magistrate should enquire into the matter either by himself or by appointing a senior and efficient officer and prior to such enquiry notice should be served to the appellants as well as the 13th respondent, the Prodhan and all other concerned and a fresh decision be taken in accordance with law.

18. Till then whatsoever status quo which is prevailing as on date shall continue.

19. In the event the 13th respondent has been suspended and the authorities have made alternate arrangement, the said alternate arrangement shall continue to prevail till the decision is taken by the District Magistrate.

20. The above direction be completed within a period of two months from the date of receipt of the server copy of the order by the office of the District Magistrate.

21. With the above directions, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)