

WPA 6527 of 2021

Gita Mondal & Anr.

Vs.

The State of West Bengal & Ors.

Mr. K.M. Hossain,

Ms. Keya Sutradhar.

... for the petitioners

Ms. Sanghamitra Nandy,

Mr. Sajal Kumar Pandit.

...for the State

1. The petitioners have been working since 2004 as the Cook-cum-helper, in the mid-day-meal scheme, in the school.
2. Their appointment was granted by the Gosaba Panchayat Samity and they have been working in the said respective schools, since July 12, 2004 and September 28, 2004 respectively.
3. Allegedly, with effect from the month of October, 2019, the engagement of the petitioners as the cook-cum-helper in the said schools, in the mid-day-meal scheme was terminated by the school authority, without assigning any reason.
4. According to Mr. K.M. Hossain, learned counsel for the petitioners, such abrupt, unauthorized and arbitrary termination of the petitioners by the school authority is in contravention with the Memo No. 322(26)-ES(CMDMP)/Fund-03/2018 dated 30.08.2019 issued by the Principal Secretary, School Education, Department Office of the Project Director, Cooked Mid Day Meal Programme, Government of West Bengal.

5. He submits that since by issuing the said memo dated August 30, 2019 the Principal Secretary has made it a norm that the existing cook-cum-helper should not be replaced without sufficient reasons and in case there is any allegation against the cook-cum-helper engaged in a school, proper enquiry should be held by the District Administration, before taking any steps.
6. It is submitted that since the termination of the present petitioners as the cook-cum-helper is in violation of the dictum issued by dint of the said memorandum, such termination is liable to be set aside, being illegal.
7. It is submitted further that the petitioners have expressed their grievance by dint of their letter dated October 24, 2019 which is, still pending for due consideration by the concerned respondent authority as to the same.
8. Ms. Sanghamitra Nandy, learned counsel is representing the State. She has submitted that the grievance of the petitioner as ventilated in the said representation of them, may be directed to be duly considered by the said respondent authority.
9. It appears from the record that the petitioners have been engaged and working since 2004 as the cook-cum-helper in the respective schools, uninterruptedly and without any break.
10. However, since from the month of October, 2019 they have been terminated by the school authority without assigning any reason and without following any procedure.

- 11.** Such termination without an enquiry or assigning any reason is clearly in violation of the memorandum issued by the Principal Secretary dated August 30, 2019. There has also been a written representation made by the present petitioners before the Block Development Officer, Gosaba, South 24 Parganas dated October 24, 2019, which is yet to receive any attention of the said respondent authority.
- 12.** Considering all as above, the Court finds it proper to dispose of the present writ petition by directing the respondent no. 4/The Block Development Officer, Gosaba, South 24 Parganas to immediately consider the petitioners' representation dated October 24, 2019, in the light and context of the memorandum issued by the Principal Secretary dated August 30, 2019 and decide thereupon by dint of a reasoned order.
- 13.** Needless is to mention that in case of the said respondent is of the opinion that by terminating service of the writ petitioners, the school authority has contravened the provisions made in the memorandum dated August 30, 2019, it shall immediately take appropriate steps for re-instatement for the writ petitioners with full back wages.
- 14.** The exercise as above shall be concluded by the respondent no. 4 within a period of three weeks from the date of communication of copy of this order.
- 15.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been

denied by the respondents including the private respondents.

16. With the above observations and directions, the writ petition being No WPA 6527 of 2021 is disposed of, along with the pending applications, if any.

17. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)