

16.04.2025
24
Ct.No.7
sdas

WPA 13920 of 2017

Majida Bibi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das
Ms. Poulami Chakraborty
...for the petitioners

Let affidavit-of-service filed in Court be kept on record.

The present writ petition challenges the order dated 8th February 2017, passed by the District Magistrate of North 24-Parganas. This order was issued in compliance with the direction given in the order dated 25th November 2016 in WP No. 27301(W) of 2015, which had directed the District Magistrate to consider and dispose of the petitioners' representation dated 9th June 2015, in accordance with the law, within the time specified therein.

Record reveals that in compliance with the aforementioned order, an opportunity for a hearing was granted to the petitioners and other stakeholders. Subsequently, the petitioner's representation was disposed of by the order under challenge in this writ petition.

To better understand the issues raised in the writ petition, it would be appropriate to reproduce the order dated 8th February 2017, which reads as follows:

“From all documents it is clear that all 4 groups have been functioning as cook cum helper in this school for some years past. In view of the above Block Steering cum Monitoring Committee is directed to observe work of each SHG very closely and to keep them engaged or terminate on the basis of periodical evaluation of their performance in accordance of the provision as mentioned in the modified order of the D.M. North 24 Parganas vide No. S-23013(17)/2/2014-CMDM/124062(85) Dt: 14/10/2015 of earlier order of the D.M. North 24 Parganas vide No. 156(22)/1(30) dt: 29/09/2008 read with the order of the School Education Department, Govt. of West Bengal issued from time to time. Thus the order of Hon’ble High Court is complied.

Let a copy of this reasoned order be served to all concerned.”

Mr. Roy, the learned advocate representing the petitioners, raised two primary grievances. Firstly, the petitioners contended that they had performed their duties until June 2014, but their honorarium had not been paid. Secondly, he sought a direction for their re-engagement. Mr. Roy further submitted that the District Magistrate had disposed of their representation without addressing the issues raised by the petitioners, and therefore, the order under challenge in the writ petition warrants interference.

The record further reveals that the mid-day meal program at the Madrasah commenced on 12th June 2012. Initially, four self-help groups were entrusted with the responsibility of preparing the mid-day meal. Three members from each group were selected, and a total of twelve members continued to cook the mid-day meals until June 2014. The observation made by the District Magistrate in his order dated 2nd February 2017 aligns with this fact. However, issues arose when other members from the four self-help groups expressed

their desire to take over the cooking responsibilities. Ultimately, it was decided that the four self-help groups would alternate in cooking the mid-day meal every other month, starting from July 2014. In the order under challenge in the writ petition, the District Magistrate directed the Block Steering-cum-Monitoring Committee to closely observe the performance of each self-help group and to either retain or terminate their engagement based on periodic evaluations of their performance, in accordance with the relevant Rules and/or Notifications.

I do not find any infirmity in the order passed by the District Magistrate. However, it is evident from the order that the issue of payment of honorarium for the work done by the petitioners until June 2014 has not been addressed by the District Magistrate of North 24-Parganas.

In light of this, the writ petition is disposed of, granting the petitioners the liberty to submit a fresh representation before the District Magistrate, outlining their grievances regarding the non-payment of honorarium for the work completed until June 2014. If such a representation is made within four weeks from the date of this order, the District Magistrate, or any competent officer designated by him, shall examine whether the claim regarding non-payment of honorarium merits acceptance. If the District Magistrate or the appointed officer finds merit in the petitioners' claim, appropriate orders will be issued for the payment of the unpaid honorarium.

Entire exercise shall be completed within a period of two months from the date of receipt of the representation from the petitioners.

With these observations and order the writ petition is, thus, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)