

21-07-2025
Item No.94
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.13673 of 2025
Sankar Goswami & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar ...for the petitioners

Mr. Sk. Md. Galib, sr. govt. adv. ...for the State

1. This writ petition has been filed by eight petitioners by depositing only one court fees.
2. Learned advocate-on-record for the petitioners is directed to deposit the deficit court fees in respect of seven petitioners by tomorrow (July 22, 2025).
3. In the event the deficit court fees are not paid, the order passed herein shall be restricted only in respect of the first petitioner and the writ petition shall be deemed to be dismissed in respect of the others.
4. The petitioners claim to be immunization volunteers engaged to Immunization Programme at the District Level under the National Health Mission.
5. They allege that they are being paid meager amount of Rs.90/- per day. They claim remuneration at the rate of Rs.550/- per day in terms of an order dated December 8, 2020 issued by the Health & Family Welfare Department, National Health Missions, Government of West

Bengal being No. HEW-35099/44/2020-SFWB/905.

6. Learned counsel for the petitioners refers to several orders in support of the prayer – a) Order dated October 4, 2023 passed by a coordinate Bench of this Court in WPA No.19084 of 2023 (Upendra Nath Mahato & Ors. v. The State of West Bengal & Ors.); b) Order dated April 29, 2024 passed by the Hon'ble Division Bench of this Court in MAT No.647 of 2024 with IA No. CAN 1 of 2024 and CAN 2 of 2024 (State of West Bengal & Ors. v. Upendra Nath Mahato & Ors.); c) Order dated July 16, 2024 in MAT No. 647 of 2024 with IA No.CAN 3 of 2024 (State of West Bengal & Ors. v. Upendra Nath Mahato & Ors.); and d) Order dated August 27, 2024 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.36156/2024 (The State of West Bengal & Ors. v. Upendra Nath Mahato & Ors.).
7. According to the petitioners, they stand on the same footing as that of Upendra Nath Mahato & Ors. (supra), and hence they pray for similar relief granted in their favour.
8. Learned counsel for the State submits that an appeal before the Hon'ble Division Bench is still pending. He has instructions to seek adjournment till disposal of the appeal.
9. The Court is not agreeable to adjourn the writ petition because of the pendency of the appeal as the right of the petitioners to receive the money in terms of the aforesaid order is yet to be decided by the authority.
10. Under such circumstances, the seventh respondent – the Chief Medical Officer of Health, Purulia – is hereby directed to consider the

petitioners' prayer for grant of remuneration in terms of the order dated December 8, 2020 in the light of the observations passed in the order dated October 4, 2023 affirmed by the Hon'ble Division Bench of this Court on April 29, 2024 and July 16, 2024 and upheld by the Hon'ble Supreme Court on August 27, 2024.

11. A decision shall be taken in the matter at the earliest but positively within eight weeks from the date of communication of this order.
12. It will be open for the aforesaid authority to seek all necessary documents from the petitioners to ascertain as to whether they can be provided benefit in terms of the order dated December 8, 2020 and whether they lie in the same footing as that of Upendra Nath Mahato & Ors. (supra).
13. The writ petition stands disposed of.
14. Instructions dated July 7, 2025 filed in Court be retained with the records.
15. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
16. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

