

Court No. 8
20.08.2025
Item No.18
PA (Chamber)

WPA (P) No. 430 of 2023

**Abhijit Mondal
VS
State of West Bengal & Ors.**

Mr. Hasanur Zaman Molla,
Mr. Manik Ghosal,
...for the petitioner

Mr. Amal Kr. Sen, AAG
Mr. Lal Mohan Basu
...for the State

Dictated by Smita Das De, J.

1. Heard Mr. Hasanur Zaman Molla, appearing on behalf of the petitioner as well as Mr. Amal Kr. Sen, learned counsel appearing on behalf of the State.
2. The instant writ petition has been filed in the nature of public interest litigation by the petitioner praying inter alia for the following relief(s):-

“a) Issue a Writ and/or order and/or direction in the nature of Mandamus commanding the respondent authorities to establish a laboratory for providing pathological testing services to the people at large in the aforesaid locality;

b) Issue a writ in the nature of Certiorari do issue to direct the respondents to transmit the entire records pertaining this case and to certify them and on being so certified, quash

the same so that conscionable justice may be administered to the parties;

c) Rule NISI in terms of prayer (a) and (b) as above;

d) Issue an interim order directing the respondents, each one of them, their servants, agents and/or assignees to immediately and/or forthwith establish a temporary laboratory for providing pathological testing services till disposal of this instant public interest litigation;

e) Issue an ad-interim order do issue in terms of prayer (d) as above;

f) Issue any further order or orders as to your Lordships may deem fit and proper;”

3. The petitioners in the instant case are the local villagers of a village named Nasipur, Ranitala, in Murshidabad.

4. The instant case pertains to a clinical laboratory which provided since 2017 pathological testing services to the local villagers in the nature of ‘PPP’.

5. The laboratory was functioning smoothly on the strength of a contract with govt. authorities, suddenly since 2022 the said laboratory stopped functioning.

6. Presently the villagers are facing problems with regard to the pathological testing for non functioning of the clinical laboratory.

7. A report has been filed by the respondent No. 6 dated 25.9.2025 with regard to the service of the laboratory catered to the villagers. The same has been kept on record.

8. From the report it reveals that respondent no. 6 in August, 2021 monitored by visiting all HRPHC and found that the 'PPP' laboratories were ill equipped. The HR employed by those 'PPP' laboratories were not at all qualified technicians and there was no Pathologist supervising them. The extract of the relevant portion of the report is reproduced below:

“NS 1 ELISA and IgM ELISA tests for dengue are being done at Murshidabad MCH, Jangipur SDH, Lalbagh SDH, Sagardighi SSH, Domkal SSH, Kandi SDH, Dhuliyon Municipality, Jangipur Municipality, Jagunj Municipality, Baharampure Municipality, and Kandi Municipality, which all have ELISA machines supplied by government and there is no crisis. One more ELISA machine has been recently supplied by UDMA Department, which is awaiting installation. Another ELISA machine is in pipeline.”

9. From the report it transpires that the grievance of the petitioners have been redressed and as such no further cause is left to be agitated.

10. If any cause still exists liberty is granted to the petitioner to approach the concerned authority. PIL is disposed of. No order as to cost.

(SUJOY PAUL, J.)

(SMITA DAS DE, J.)