

WPA(P)/512/2025

**RAJIB SARKAR
VS.
STATE OF WEST BENGAL AND ORS.**

Mr. Amritam Mandal, Adv.
Mr. Arindam Samanta, Adv.
Mr. Rajdeep Majumder, Adv.

...For the Petitioner

Mr. Kishore Dutta, A.G.
Mr. Swapan Banerjee, A.G.P.
Ms. Sumita Shaw, Adv.
Mr. Soumen Chatterjee, Adv.

...For State Respondent

Per, Sujoy Paul, ACJ.

1. Parties are represented through their respective learned counsel.
2. Heard.
3. In this PIL following relief is claimed by the petitioner:-

“a. Writ of and or/in the nature of mandamus be issued on the respondents directing the respondents to implement and enforce the memorandum being no Health/MA.5502/1A-10/81 dated 10th August, 1981 for absorption of Special Attendants as Group-D staff in Government Hospitals.

b. Writ of and or/in the nature of mandamus be issued on the respondents directing the respondents to comply with and enforce the order dated 10.08.1981 and State Administrative Tribunal orders dated 20.02.2013.

c. Writ of and or/in the nature of mandamus be issued on the respondents directing the respondents for establishing proper recognition of Working Special Attendant as a composite medical workforce.

d. Writ of and or/in the nature of mandamus be issued on the respondents directing the respondents for payment of daily wages of Special Attendants from Sasthya Saathi Scheme under Government of West Bengal.

e. An interim order be granted directing the respondents to provide basic facilities to Special Attendants to be secured along with protection against exploitation as “Workforce” and harassment against Sexual discrimination in work places with facilities of changing room, toilets and drinking water.

f. An interim order be granted directing the respondents to issue proper identity card and prepare roster, duty register and all other protocols of service rules to be maintained by all Hospital authorities for the working special attendants as it is maintained for other medical staffs working in such hospitals.

g. Rule NISI in terms of prayers above;

h. Any other further Order of orders and/or direction as Your Lordship may deem fit and proper;”

4. The relief (a) to (d) falls within the ambit of ‘Service Matter’. This court, after following the judgment of the Hon’ble Supreme Court in catena of cases, decided in **Saifuddin Purkait & Ors. Vs. State of West Bengal & Ors.**, reported in **2025:CHC-AS:1700-DB** and in **WPA(P) No. 268 of 2024, Md. Kalim Ashraf & Ors. vs. The State of West Bengal & Ors.** that PIL in Service matter is not maintainable.
5. Resultantly, this PIL is not entertained.
6. However, this order will not come in the way of the persons aggrieved to approach the appropriate forum.

(SUJOY PAUL, A.C.J.)

(PARTHA SARATHI SEN, J.)