

10.04.2025
Ct. No.2
16
Rohit

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**WPA 731 of 2025
Jhunu Ghosh & Ors.**

-vs-

The State of West Bengal & Ors.

Mr. Sayan Banerjee

...for the Petitioners

Mr. Momenur Rahman

Mr. Bedashruti Bose

...for the State

On the prayer of the learned Advocate appearing for the petitioner, leave is granted to the Advocate on record of the petitioner to file affidavit-of-service in course of this day.

The petitioner claims to have supplied food articles and allied items to the safe homes during the Covid-19 Pandemic. The petitioner claims to have submitted a final bill for rendering such service for the period from 23rd of June, 2020 to 20th of December, 2020 for a sum of Rs. 11,42,029/- .

The grievance of the petitioner is that till date the respondent authorities have not released the payment in favour of the petitioner. Alleging inaction on the part of the respondent authorities, the petitioner approached this Court by filing a writ petition being WPA 2219 of 2024 which was disposed of by a Co-ordinate Bench by order dated October 1,

2024 by directing the Chief Medical Officer of Health, Darjeeling to consider the prayer of the petitioners in accordance with the norms and guidelines that were prevailing during the Covid period by giving an opportunity of hearing to the authorized representative of the petitioners, the in-charge of the Batasi safe home and Hatighisa safe home and the Chief Medical Officer of Health who was in-charge at the relevant point of time under whose instructions the food materials were supplied. Pursuant to the said order a hearing notice was served upon the petitioner.

Mr. Banerjee, the learned Advocate appearing for the petitioner submits that he could not appear before the Chief Medical Officer of Health, Darjeeling on the date fixed for hearing as he was engaged in a matter before the Principal Bench of the High Court at Calcutta. However, it is not in dispute that the petitioner appeared before the said authority on such date. Mr. Banerjee would submit that a prayer for adjournment on the ground of her learned Advocate was sought for but the authorities instead of considering the prayer for adjournment passed an order.

This Court finds that the Chief Medical Officer of Health in the order dated January 20, 2025 recorded that the petitioner despite the opportunity

being given for submission of supporting documents failed to provide any documentary evidence in support of her claim at the time of hearing.

Mr. Banerjee submits that the documents in support of the claim of the petitioner is lying in the possession of the petitioner and the petitioner could not produce the same before the authorities since she only prayed for an adjournment.

Such submission is, however, disputed by Mr. Rahman, learned Advocate appearing for the State who submits that the petitioner along with her son appeared and the order was passed upon hearing the petitioner.

It appears from the impugned order that no documents were produced by the petitioner.

After hearing the learned Advocates for the respective parties and after going through the materials on record this Court is of the view that a last opportunity should be given to the petitioner to produce the documents in support of her claim before the concerned authority.

The date of hearing is fixed by this Court on April 23, 2025 at about 1:00 P.M. and such hearing is to be conducted by the Chief Medical Officer of Health, Darjeeling. Since the date and time of hearing has been fixed by this Court on the basis of the submission of the respective learned Counsels there is

no necessity to issue any further notice upon the petitioner in that regard.

The Chief Medical Officer of Health, Darjeeling is directed to consider the claim of the petitioner afresh in the light of the directions passed by the Coordinate Bench in the order dated October 1, 2024 passed in WPA 2219 of 2024.

The reasoned order shall be communicated to the petitioner within a period of two weeks from the date fixed for hearing.

For the reasons as aforesaid the reasoned order dated January 20, 2025 passed by the Chief Medical Officer of Health, Darjeeling is set aside.

WPA 731 of 2025 stands disposed of with the aforesaid directions.

(Hiranmay Bhattacharyya, J.)