

28.04.2026
Court No.25
D/L No.5
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 8951 of 2026
with
CAN 1 of 2026

Mahasweta Swanirbhar Gosthi
Versus
State of West Bengal & Ors.

Mr. Jaydip Kar, Sr. Adv.
Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanyal

...for the Petitioner

Mr. Jahar Lal De, Ld. AGP
Mr. Shamimul Bari

...for the State

Mr. Kamalesh Bhattacharya
Mr. Robiul Islam
Mr. Sk. Jayed Hossain
Mr. Masooq Rahman
Mr. Kazi Ardan Ali

...for the Added Party

1. The petitioner has filed the present writ application challenging the impugned order dated March 30, 2026 issued by the Child Development Project Officer, Domkal ICDS Project wherein the petitioner has been refrained from distributing SNP food items to AWCs in Domkal ICDS Project.
2. Mr. Kar, learned senior counsel appearing for the petitioner submits that by an order dated July 19, 2022 Standard Operating Procedure (SOP) for supply of food items by Sangha/Mahasangha under the WBSRLM for Supplementary Nutrition Program (SNP)

under the Anganwadi Services has been issued. Subsequent to the said order, on May 12, 2023 by way of Corrigendum Para 1 of Clause A of SOP dated July 19, 2022 was modified. On March 9, 2026 the Additional District Magistrate (Dev), Murshidabad has issued an order intimating that the agreement for supply of SNP articles to the Samserganj, Domkal and Jalangi ICDS Project by Balaka Swanirbhar Gosthi, Sita Nagar, Islampur, Murshidabad expired on March 5, 2026 for Domkal and Jalagni ICDS Project and on March 6, 2026 for the Sasmserganj ICDS Project. It was informed that in order to ensure the continuity of the SNP, Mahasweta Swanirbhar Gosthi may be allowed to supply SNP articles to Samserganj and Domkal ICDS Project and Milani Swanirbhar Gosthi may be allowed to supply SNP articles to Jalanganj ICDS Project until further approval is received from the Department of Women and Child Development & Social Welfare.

3. Mr. Kar draws the attention of this Court to the communication dated March 25, 2026 issued by the Senior Deputy Secretary, Government of West Bengal wherein it was informed that as per the SOP dated July 19, 2022 the Chief Secretary, Government of West Bengal only Sangha and Mahasangha are entitled to participate in the selection process for supply of SNP food items to be conducted by the DLSCMC and the said

letter reflects that in the meanwhile, on account of the Model Code of Conduct in connection with the ensuing General Assembly Election, 2026 come into force, the DLSMC may engage any eligible existing engaged Sangha/Mahasangha of adjacent projects who are satisfactorily supplying SNP food items to the Anganwadi Centres to ensure uninterrupted services to the projects.

4. Mr. Kar further submits that when the petitioner came to know about the letter dated March 25, 2026, immediately the petitioner has made a representation informing that the communication dated March 25, 2026 is issued without considering the Corrigendum dated May 12, 2023 wherein Para 1 of Clause A of the SOP dated July 19, 2022 was amended. He further submits that without considering the representation of the petitioner, the authorities have issued the impugned dated March 30, 2026.
5. Learned senior counsel for the petitioner has relied upon the judgment in the case of ***State of Rajasthan & Anr. vs. J.K. Udaipur Udyog Ltd. & Anr.*** reported in ***(2004) 7 SCC 673*** and submits that on the contrary the use of the word corrigendum itself indicates that the intention was to correct and to rectify what the State Government thought had been erroneously done. He further submits that in the present case also by the Corrigendum dated May 12, 2023 Para 1 of Clause A

has been modified but in the letter dated March 25, 2026 the corrigendum has not been considered. He further relied upon the judgment in the case of ***Prabhakar Harishchandra Dingorkar & Ors. vs. The Chief Officer & Ors.*** reported in **2016 SCC OnLine Bom 9460** wherein the Hon'ble Division Bench of the Bombay High Court held that the corrigendum issued by the authority is to be read with the original order which has been modified by way of corrigendum.

6. Learned counsel appearing for the State has handed over the bunch of documents and submits that by an order dated March 17, 2026 the Child Development Project Officer has allowed the petitioner to supply the quantity of musur dal, salt and mustard oil for AWCs for the month of April and May, 2026. Simultaneously, the Child Development Project Officer has further issued an order dated March 13, 2026 directing the petitioner to supply the mustard oil and salt to Samserganj ICDS Project for the month of April and May, 2026.
7. Heard the learned counsel for the respective parties and perused the materials on record and the documents submitted by the State Authorities. This Court finds that by a Corrigendum dated May 12, 2023 the SOP dated July 19, 2022 with respect to Para 1 of Clause A has been modified which reads as follows:-

“Existing SHGs/Sangha/Mahasangha who are making supplies to ICDS Projects under the approval of WCD & SW Department will continue to supply to those ICDS Projects as approved and renewed by the Department”,

instead of

‘Existing Sangha/Mahasangha who are making supplies to ICDS Projects under the approval of WCD&SW Department will continue to supply at the tagged ICDS Project’.”

8. On March 25, 2026 the Senior Deputy Secretary to the Government of West Bengal informed the District Magistrate that only Sangha and Mahasangha are entitled to participate in the selection process for supply of SNP food items to be conducted by the DLSCMC but in the said letter, the Senior Deputy Secretary failed to consider the corrigendum dated May 12, 2023 wherein Para 1 of Clause A of the original SOP dated July 19, 2022 was modified by adding the SHG group also. On the basis of the said letter, the Child Development Project Officer by a communication dated March 30, 2026 directed the petitioner to refrain from distributing SNP food items to AWCs in Domkal ICDS Project but the said communication dated March 30, 2026 is contrary to the order issued by the Child Development Project Officer wherein the petitioner has

been allowed to supply the articles for the month of April and May, 2026.

9. This Court finds that the Child Development Project Officer in compliance with the communication of the Senior Deputy Secretary has issued the impugned order dated March 30, 2026 without considering the Corrigendum dated May 12, 2023. Accordingly, this Court finds that the Senior Deputy Secretary to the Government of West Bengal without considering the Corrigendum dated May 12, 2023 has directed the District Magistrate that only the Sangha and Mahasangha are entitled to participate in the selection process wherein as per the Corrigendum dated May 12, 2023 SHG has also been allowed to participate in the tender for supply of materials to those ICDS projects as approved by the Department.
10. In view of the above, the communications dated March 25, 2026 and March 30, 2026 are set aside and quashed.
11. It is made clear that this order is passed only considering that the authorities have allowed the petitioner to supply the articles till the month of May, 2026.
12. Accordingly, **WPA 8951 of 2026** is **disposed of** and the connected application being **CAN 1 of 2026** also stands **disposed of**.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)