

08-04-2026
Item No.15
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.17009 of 2025
Subhash Chandra Garain & Ors.
-vs-
The State of West Bengal & Ors.

Md. Sarwar Jahan
Mr. Manoranjan Mahata
Mr. Ziaul Haque ...for the petitioners

Mr. Sudipto Panda
Mr. Shibasis Banerjee ...for the State

1. Supplementary affidavit by the petitioners, pursuant to the last order dated August 18, 2025, filed in Court be taken on record.
2. The petitioners are engaged as Immunization Volunteers (Alternative Vaccine Delivery Persons). They are aggrieved by the order dated June 11, 2025 passed by the Director of Health Services, West Bengal rejecting their claim for enhancement of remuneration.
3. They claim that they are similarly circumstanced as the petitioners in WPA No.19084 of 2023 (Upendra Nath Mahato & Ors. v. The State of West Bengal & Ors.) wherein the Court, vide order dated October 4, 2023, was pleased to direct the Chief Medical Officer of Health, Purulia to disburse the petitioners the remuneration at the rate of Rs.550/- per day.
4. The said order was challenged in an appeal by the State being MAT No.647 of 2024; and the Hon'ble Division Bench, by its order dated April 29, 2024,

directed the State to comply with the direction passed by the learned single Bench within a stipulated time period.

5. An application seeking modification of the order dated April 29, 2024 was filed by the State which was considered by the Division Bench on July 16, 2024 and was dismissed.
6. The State thereafter preferred an SLP before the Hon'ble Supreme Court which was also dismissed. On dismissal of the SLP the order passed by the learned single Bench has been complied with and payment has been made to the volunteers.
7. The petitioners pray for similar relief.
8. Learned counsel for the State submits that as the issue in question as to whether the petitioners will be treated as Immunization Volunteers or Alternative Vaccine Delivery persons is pending consideration before the Hon'ble Division Bench, accordingly, payment of the petitioner ought not to be directed right now.
9. Upon hearing the respective submissions advanced by the parties and on perusal of the materials placed before this Court, the Court is of the opinion that as there is a specific order passed by the learned single Bench directing payment to similarly circumstanced persons at the rate of Rs.550/- per day and the said order has not been set aside, vacated or modified by any superior forum, rather the same has been affirmed till the level of the Hon'ble Supreme Court, there is no reason as to why the same benefit cannot be granted in favour of the petitioners.
10. It is not the case of the respondents that the

petitioners are not similarly circumstanced as the petitioners in the case of Upendra Nath Mahato (supra).

11. That being the position, the respondents would be bound to treat the persons similarly circumstanced or else the State will be hauled up for discrimination.
12. The Chief Medical Officer of Health, Purulia is, accordingly, directed to disburse the remuneration to the petitioners at the rate of Rs.550/- per day at the earliest but positively within a period of twelve weeks from the date of communication of this order.
13. This is made clear that the direction passed herein is subject to the result of the appeal being MAT No.647 of 2024 which is still pending consideration.
14. The impugned order dated June 11, 2025 passed by the Director of Health Services, West Bengal is set aside.
15. The writ petition stands disposed of.
16. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
17. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

