
(2021) 07 CAL CK 0014
In the Calcutta High Court
Case No : Writ Petition No. 10641 Of 2021

Tapan Kumar Sahoo

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 01-07-2021

Acts Referred:

Citation : (2021) 07 CAL CK 0014

Hon'ble Judges : Shampa Sarkar, J

Bench : Single Bench

Advocate : Debabrata Saha Roy, Kamal Mishra

Final Decision : Disposed Of

Judgement

Despite service none appears on behalf of the respondents.

Mr. Sushovan Sengupta, learned Senior Government Advocate, who is virtually present in Court is requested to appear in this matter with Mr. Subir

Pal, learned Advocate. The appearances of Mr. Sengupta and Mr. Pal may be regularised.

The petitioner has challenged a decision of Karmadakshya, Shikshya-Sanskriti â?O- Krira Sthayee Samity of Mahishadal Panchayat Samity. By the

said decision, it was resolved that Somesh Santra and Ramesh Santra would be requested to supply mid-day meal food-grains to the school under the

Mahishadal Development Block in respect of which the petitioner was engaged to supply the mid-day mealâ??s food grains.

It appears that the decision was taken as the petitioner was allegedly supplying low quality of rice. It is submitted that before the decision was taken

by the respondent No.9 no show cause was issued directing the petitioner to explain as to the allegation of supply of low quality of rice and food

grains.

I do not find from the records that a hearing was given to the petitioner. Moreover, there are factual disputes.

The petitioner has referred to the order dated July 8, 2017 by which the petitioner was allowed to distribute/supply food-grains under the mid-day meal programme for Mahishadal Development Block. It also appears from the records that the Block Development Officer, Mahishadal Development

Block has sent a copy of the resolution of the respondent No.9 to the District Magistrate (Mid-Day Meal Section), Purba Medinipur, on February 24,

2021. It is submitted by the petitioner that the District Magistrate (Mid-Day Meal Section), Purba Medinipur, has not yet taken any steps with regard

to the recommendation of the Block Development Officer.

Under such circumstances, as disputed questions of facts are involved, the writ petition is disposed of with a direction upon the District Magistrate

(Mid-Day Meal Section), Purba Medinipur, respondent No.3 herein, to consider the grievances of the petitioner in accordance with law and pass a

reasoned order. The petitioner should be heard in person along with Somesh Santra and Ramesh Santra, the authorities of the schools, the respondent

No.9 and the concerned Block Development Officer.

This Court has not gone into the merits of the claims and counterclaims of the parties and authorities shall decide the issues in accordance with law.

The authorities are always at liberty to proceed against any erring agency but the same has to be done in consonance of principles of natural justice.

Such consideration should be made within a period of four weeks from the date of communication of this order.

Till the decision is taken by the concerned authorities, status quo should be maintained with regard to the supply of mid-day meal so that the mid-day meal programme is not hampered.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the server copy of this order.