

11.08.2026  
Item No.17  
Court No.01  
KCP

**WPA(P) 335 of 2026**

**Rajib Sarkar**  
**- Versus -**  
**State of West Bengal & Ors.**

Mr. Amritam Mondal  
Mr. Arindam Samanta  
.... For the petitioner

Mr. D. N. Ray, Ld. G.P.  
Mr. Ajit Kumar Mishra, Ld. A.G.P.  
Mr. Madhu Jana  
Mr. Gopal Krishna Sarkar  
Ms. Simran Sureka  
.... For the State respondents

The present Public Interest Litigation (in short, PIL) has been preferred primarily praying for issuance of necessary direction upon the respondents 'to *implement and instruction being memo no WBMSC/MISL/3028/26/M/1276 dated 20.05.2026 for issuance new id card (renewed) of Special Attendants as working staff in Government Hospitals*'. It has also been prayed that the respondents be directed '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 staves working in such hospitals’.*

Mr. Mondal, learned advocate appearing for the petitioner contends that the petitioner is a social worker and a ‘*right to information*’ activist who is espousing the cause of Special Attendants attached to different Government hospitals in the State of West Bengal.

He submits that the services of such Special Attendants were being utilized by the State authorities for a substantial period of time and such fact would be explicit from the identity cards issued and the memoranda issued from time to time by the State of West Bengal as annexed to the present writ petition including the memoranda dated 16<sup>th</sup>/23<sup>rd</sup> December, 1980 and 10<sup>th</sup> August, 1981.

Mr. Mondal submits that though the services of the Special Attendants are required by the State authorities for proper functioning of the hospitals, presently, the State is refusing to renew their identity cards on a purported plea that there is no sanctioned post and no budgetary provision for Special Attendants. In paragraph 6 of the memo dated 20<sup>th</sup> May, 2026 issued by the Director of Health Service, the Special Attendants have been excluded and decision has been taken to issue identity cards only to the

employees categorized as Doctor, Nurse, Medical Technologist, Administration, Para-medical, GDA and Misc(Drivers).

He further contends that the Special Attendants have been denied basic recognition as a work force and the representations submitted to several administrative authorities have not been responded to. In the said conspectus, appropriate direction needs to be issued upon the competent authorities to allow free access to the Special Attendants to the hospitals and to issue identity cards as their services are inextricably bound with the functioning of the respective hospitals. In support of the arguments advanced reliance has been placed upon a judgment delivered by the Hon'ble Supreme Court in the case of *Indian Banks' Association, Bombay and Others -vs- Devkala Consultancy Service and Others*, reported in (2004) 11 SCC 1.

Answering the query of the Court, Mr. Mondal submits that the Special Attendants are no longer demanding regularization in service. However, their prayer is to allow them free access to the respective hospitals where they were working as Special Attendants and to issue them identity cards afresh.

Mr. Mishra, learned Additional Government Pleader appearing for the State respondents denies the

contention of the petitioner and submits that the instant PIL is itself not maintainable. The primary grievances sought to be espoused by the petitioner have been specifically incorporated in paragraph 37 of the writ petition. A perusal of the same would clearly reveal that the private right of the Special Attendants is being sought to be urged through a PIL. In the said paragraph, the grievances expressed are that no proper renewed identity card is being issued to the Special Attendants, no basic facilities are being extended to them and that no roster, attendance register or duty allocation chart is being maintained for the Special Attendants.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears from the materials on record that a group of 53 Special Attendants approached the learned Tribunal by filing an original application being O.A. 910 of 2011. The contention of the original applicants was that they were working as Special Attendants in different hospitals since a long time and their duty was being allotted by the hospital authorities from time to time. Thereafter, they approached the competent authority for regularization of their service as Group- 'D' employee but their prayer was not considered.

Challenging such inaction, the original application was preferred but in vain.

There is no dispute as regards the proposition of law laid down in the judgment delivered in the case of *Indian Banks' Association, Bombay*, however, the same is distinguishable on facts.

Public Interest Litigation is preferred for redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. It should be aimed at redressal of genuine public wrong or public injury. In the instant case, however, the right sought to be established is the right of individuals who were working as Special Attendants in different Government hospitals. Such right is inextricably bound with issues like preparation of panel and absorption in sanctioned posts. The primary grievance of the petitioner is that though the Special Attendants were engaged to meet exigencies and their service is still required for proper functioning of the hospitals, State is not taking appropriate steps to retain them in service. The *lis* distinctly has the profile of a service dispute.

In the said conspectus, we are unable to grant the relief as prayed for in the present writ petition and the same is, accordingly, dismissed.

We, however, make it clear that the dismissal of the present PIL shall not have any effect upon the individual right of the Special Attendants and they would be at liberty to ventilate their grievances before the appropriate authorities.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Atarup Banerjee, J.)    (Tapabrata Chakraborty, A.C.J.)**