

WPA/14656/2019

ATASI GHOSH & ORS.

VS.

STATE OF WEST BENGAL & ORS.

Mr. Kishore Dutta, A.G.
Mr. Jahar Lal De, A.G.P.
Mr. Shamim-ul Bari, Adv.

...For the State

Mr. Vipul Kundalia, Sr. Adv.
Mr. Anindya Kanan, Adv.
Mr. Dhirodatta Chaudhuri, Adv.

...For the Union of India

Mr. Saikat Banerjee, Sr. Adv.
Mr. Arnab Ray, Adv.

...For the Respondent No.5/
High Court Administration

Dictated By Sujoy Paul, CJ.

1. None for the petitioners.
2. Respondents are represented through their respective learned counsel.
3. This is a PIL relating to establishment of crèche in this High Court and District Court buildings. The Registrar General in her previous report informed that crèche is otherwise ready to be opened and one Doctor and two Nurses have already been provided by the State Government. The crèche could not be opened for want of two Care Givers (Aaya),

one Crèche In-Charge (Administrative Officer) and one Security Personnel.

4. On the previous date of hearing, Shri Dey, learned government counsel was directed to seek instruction. In furtherance thereof the report dated 24th March, 2026, was filed in this matter informing that the General Election for West Bengal Legislative Assembly has been declared and Model Code of Conduct is in vogue. Thus, creation of aforesaid posts after approval of the Cabinet, at this stage is not possible. The same can happen after approval of Cabinet and fulfilling the formality after General Election of 2026 is over. In the report it is further indicated that as a stop-gap measure, necessary financial implication shall be borne by the State Government and will be provided to the High Court Administration so that remaining manpower can be engaged by the High Court Administration on its own.
5. Considering the aforesaid report, today High Court Administration has prepared a chart which reads thus:-

“Estimated financial involvement for engagement of Care Giver (Aaya), Creche-in-charge (Administrative Officer) and Security personnel.
(In terms of the Circular No.07/Stat/14/RW/24/2023/LCS/JLC dated 9.1.2026, issued by the Labour Commissionerate, Govt. of West Bengal, prescribing updated minimum rates of wages, applicable to Zone A)

Name of post/employment	Number of posts	Minimum rates of Wages (per month)	Minimum monthly financial involvement
Care Giver (Aaya)	2	Rs.11426/-	Rs.11426/- X 2 = Rs.22852/-
Creche-in-charge (Administrative Officer)	1	Rs.13825/-	Rs.13825/- X 1 = Rs.13825/-
Security Personnel	1	Rs.10386/-	Rs.10386/- X 1 = Rs.10386/-
		Total minimum monthly financial involvement	Rs.47063/-

➤ **Total minimum financial involvement per annum – Rs.47063/- X 12 = Rs.564756/-.”**

6. The minimum rates of wages in the said chart are taken from the Government of West Bengal Circular No.07/Stat/14/RW/24/2023/LCS/JLC dated 9th January, 2026, and are, in fact, scheduled rate of

minimum wages for the relevant category of the employees.

7. In this view of the matter, on a specific query from the Bench, Shri Dey submits that necessary arrangement for engagement of those employees can be made by the High Court Administration and the sum payable shall be reimbursed by the State Government.

8. In this view of the matter, we deem it proper to direct the learned Registrar General to communicate the server copy of this order along with the said chart and circular to the Principal Secretary, Finance Department, State of West Bengal. In turn, the said department shall release the amount of Rs.564756 to the High Court Administration within 7 working days from the date of Registrar General's communication is received by them.

9. In view of the report aforesaid, the Model Code of Conduct etc. will not come in the way of the Finance Department of the Government of West Bengal to sanction the said amount.
10. The High Court Administration, upon receiving the amount, is directed to act forthwith and engage the said employees on outsourcing basis so that the crèche can be opened at the earliest.
11. List this matter after a week at 02:00 p.m.

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)