

09.02.2024

Ct. no.654

Sl. Nos.5

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 24273 of 2023
(CAN 1 of 2024)**

**Sib Prosad Das
Vs.
State of West Bengal & Ors.**

Mr. Timir Baran Saha

.. for the petitioner

Mr. T.M. Siddiue

Ms. Amrita Panja Moulick

..for the State

Mr. Debabrata Saha Roy

Mr. Pingal Bhattacharyya

Mr. Subhankar Das

..for the respondent no.9

In Re: CAN 1 of 2024

This is an application for a direction upon the respondent no.8 not to give effect to its letter dated 1st February, 2024 asking the petitioner to hand over food grains for the year 2023-24.

Mr. Timir Baran Saha, learned advocate for the petitioner submits that the respondent no.9 was engaged for Carrying-cum-distribution agent for service of distribution of mid-day meal in place of the petitioner. The petitioner in this writ petition has challenged the engagement of the respondent no.9, as aforesaid, on the ground the guidelines of the Additional District Magistrate, Murshidabad dated 20th May, 2021 for engagement has not been followed. During the pendency of the writ petition, the respondent no.8, the Block Development Officer, Sanserganj Block Development, Ratanpur, Murshidabad has issued a letter on 1st February, 2024 for handing over the food grains lying

with the petitioner. Since the petitioner in this writ petition has challenged the engagement of the respondent no.9 as Carrying-cum-distribution agent, the impugned letter dated 1st February, 2024 should not be given effect to by the State authorities. He seeks appropriate orders.

Mr. Debabrata Saha Roy, learned advocate for the respondent no.9 submits that after passing of the order in WPA 19732 of 2023 filed by the respondent no.9, the District Magistrate, Murshidabad passed an order on 20th September, 2023, bestowing the responsibility of Carrying-Cum-Storing Agent of Mid-Day Meal(PM-Poshan) for the entire Sanserganj Block except Nimtita GP and Chachanda GP and also for only Umarpur GP and Suti-II block, to respondent no. 9. Pursuant to such order of District Magistrate the Block Development Officer, Sanserganj has issued the impugned letter for handing over the food grains, which should not be interfered with. He submits that the application should be dismissed *in limini*.

Learned advocate for the State-respondents leaves the matter to the discretion of the Court.

By judgment dated 28th August, 2023 in WPA 19732 of 2023, this Court directed the District Magistrate, Murshidabad to consider the representation of the petitioner (the respondent no.9 herein) afresh. In compliance with the order, the District Magistrate, Murshidabad considered the representation of the respondent no.9 afresh and modified its order

no.36/MDM/2023 communicated vide no. 217 1(7)/MDM/MSD dated 31st March, 2023 whereby the respondent no.9, Setara Begum, was bestowed the responsibility for Carrying-Cum-Storing Agent of Mid-Day Meal(PM-Poshan) for the entire Samserganj Block except Nimtita GP and Chachanda GP and also for only Umarpur GP and Suti-II block. Subsequent thereto, the impugned letter has been issued by the Block Development Officer for handing over food grains (Rice) to the petitioner. In view of the conspectus of facts noted hereinabove, this Court does not find any infirmity in the letter dated 1st February, 2024 issued by the Block Development Officer, Sanserganj Block to hand over the foodgrains.

Accordingly, the application being **CAN 1 of 2024** stands dismissed.

In Re: WPA 24273 of 2023

Affidavit-in-opposition to the writ petition filed by the respondent no.9 is taken on record.

Copy served.

The State-respondents are directed to furnish report in the terms of the order of this Court on 12th October, 2023 within a period of two weeks. Advance copy thereof be served upon the petitioner and the respondent no.9. Exception to such report be filed within one week thereof.

Let the matter appear on **1st March, 2024** under the heading “**Hearing**” at the **top**.

(Bivas Pattanayak, J.)