

Form No. J(2)

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

**Present:
THE HON'BLE JUSTICE AJAY KUMAR GUPTA**

WPA 16445 of 2023

**M/S. D. N. GHOSH & ANR.
VS.
STATE OF WEST BENGAL & ORS.**

**For the Petitioners : Mr. U. A. Dewan,
Mr. Asif Dewan.**

**For the State : Mr. Jayanta Kumar Mukherjee,
Mr. Sudipta Ghosh.**

For the Respondent No.4 : Mr. Timir Baran Saha

Heard on : 18.09.2026

Judgment on : 18.09.2026

Uploaded on : 18.09.2026

(In court)

AJAY KUMAR GUPTA, J.:

1. The instant writ petition has been filed by the petitioners challenging the impugned order no. 36/MDM/23 issued by District Magistrate, Murshidabad contending that the petitioners were engaged by the

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respondent no. 2 as carrying-cum-distribution agent for Mid-day meal food grains to the concerned institutions that falls under Suti – I Block consisting of six Gram Panchayats for the period from 16.08.2021 to 31.12.2022. Similarly, every year petitioners were assigned the similar job till 31.03.2023. Thereafter, suddenly their engagement was reduced to three Gram Panchayats under Suti – I Block without any assigned reason, malafide and arbitrarily.

2. The remaining three areas were allotted to the private respondent no. 4, although he had already been assigned similar job for seventeen Gram Panchayats, which increased the total number of gram panchayats assigned to him to twenty. Whereas the petitioner was reduced from six gram panchayats to three without any fault or adverse report.
3. It is submitted by the learned counsel for the petitioner that there was/is no any adverse report against the petitioners regarding supply of the food grains to the six allotted areas under Suti-I Block, however, their assignment was suddenly reduced to three areas only to favour the private respondent no. 4.
4. During pendency of the case, District Magistrate further issued another order being No. 43/MDM/24 reduced the assignment of the respondent no. 4 to twelve from twenty Gram Panchayat. However, the three Gram Panchayats that reassigned to him from the Petitioners remained

with him, without further assigning reason or affording an opportunity of hearing to the Petitioners.

5. The petitioners further filed another order no. 36/MDM/25 showing similar treatment although the petitioners requested the concerned authority to consider his case. He prays for setting aside of the impugned orders passed by the Respondent No.2.
6. Learned Counsel appearing on behalf of the private respondent no. 4 submits that his assignment was also reduced from twenty to twelve Gram Panchayats by orders. The geographical area of the petitioner is larger than the private respondent no. 4; therefore, the writ petition is liable to be dismissed.
7. Learned Advocate appearing on behalf of the State filed a report dated 01.09.2026, taken on record
8. He submits that this writ petition is not maintainable as the period assigned for the job is notified every year. Initially, petitioner challenged the order no. 36/MDM/23 which is the subject matter of the challenge in the writ petition. The scope of the writ petition cannot be extended, inasmuch as the engagement for each interval of the job has been assigned to the respective parties by way of separate orders. Hence, this writ petition is liable to be dismissed.
9. Having heard the submissions of the learned counsel for the respective parties and upon perusal of the materials available on the record, this Court deems it fit and proper to dispose of the writ petition, directing

the petitioner to submit detailed representation seeking his grievances to the respondent no. 2 who in turn will take a decision based on the said representation upon receipt and pass reasoned order after affording full opportunity of hearing to the petitioners, interested parties as well as private respondent no. 4. The said exercise shall be completed within four weeks from the date of receipt of representation submitted by the petitioner. After deciding the representation in accordance with law, the same may be communicated to the parties within one week thereafter.

10. Accordingly, WPA 16445 of 2023 is disposed of without order as to costs. Connected applications, if any, stand disposed of.
11. It is made clear that this Court has not gone into the merits of the case. The respondent no. 2 shall decide the case independently and in accordance with law, and all points are left open to be decided if agitated before the respondent no. 2 at the time of hearing in respect of the dispute involved in this matter.
12. Interim order, if any, stands vacated.
13. All parties are to act on the server copy of this order duly downloaded from the official website of the Calcutta High Court.

14. Urgent xerox certified copy, if applied for by the parties, same shall be supplied upon compliance of the necessary formalities.

(AJAY KUMAR GUPTA, J.)

Srimanta

