

21.12.2020
 Ct. 38
 D/L 7
 ab

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

**WPA 21500 of 2019
 (Via Video Conference)**

Debprasad Banerjee & Anr.

-Vs-

State of West Bengal & Ors.

Mr. Tapas Kr. Bhattacharjee,
 Mr. Sandip Ghosh,
 Mr. Partha Sarkar,

... for the petitioners

Mr. Soumitra Bandopadhyay,
 Mr. Aniruddha Sen,

... for the State

The petitioner no. 1 is the husband of the petitioner no. 2. The petitioner no. 1 was the owner of a plot of land situate in the district of Murshidabad, which was acquired for the purpose of setting up Sagardighi Thermal Power Project. Admittedly, the petitioner no. 1 has received the compensation for such acquisition.

The grievance of the petitioners in this writ petition is that the petitioner no. 2 is deprived of Government employment in the district of Murshidabad as a land loser. It is alleged by the petitioners that on November 5, 2017, the petitioner no. 2 appeared in the written test for appointment in the post of “Gram Panchayat Karmiyee” held by the District Level Selection Committee, Murshidabad, P&RD Department, Murshidabad but she was not selected as a Gram Panchayat Karmiyee.

The petitioners filed a representation before the respondent no. 3, the District Magistrate and Chairperson of DLSC of Murshidabad, P&RD Section, for providing the petitioner no. 2 with a Government employment on account of acquisition of the said land of the petitioner no. 1. By an order dated July 1, 2019, a learned single Judge of this Court in W.P. 9627(W) of 2018, directed the respondent no. 3, the District Magistrate and Chairperson of DLSC of Murshidabad, P&RD Section, to consider the said representation of the petitioners.

By an order dated September 12, 2019, the respondent No. 3 held that the petitioners as the land losers have already received the compensation on account of acquisition of their land and the petitioners have not been able to disclose any documents to establish their right to be provided with a Government employment after receipt of the compensation amount. The respondent no. 3 further held that since the petitioner no. 2 could not pass the written test held on November 5, 2017 for appointment in the post of 'Gram Panchayat karmiyee', she is not entitled to obtain any Government job. It is the said order dated September 12, 2019 passed by the respondent no. 3, which has been challenged in this writ petition.

Mr. Tapas Kr. Bhattacharjee, learned advocate for the petitioners pressed for an order of setting aside the impugned order dated September 12, 2019 passed by the respondent no. 3. However, nothing could be brought to the notice of this Court that there exists any policy decision of the State Government to enable any of the petitioners to obtain Government job after receipt of the compensation amount for acquisition of their land. It further appears that the admit card, being 'Annexure

P-8' to the writ petition relied upon by the petitioners relates to selection of Gram Panchayat Karmiyee in the district of Murshidabad has no connection whatsoever with the claim of the petitioners as land losers. In any event, when the petitioner no. 2 could not pass the written test held by the concerned respondent on November 5, 2017 for appointment to the post of Gram Panchayat Karmiyee in the district of Murshidabad, on the basis of the said admit card she cannot maintain any claim appointment to be appointed to any State Government service.

In view of the above facts, I do not find any infirmity in the order impugned dated September 12, 2019 passed by the respondent no. 3. Accordingly, the writ petition, being WPA 21500 of 2019 stands dismissed.

Since the respondents were not called upon to file any affidavit, the allegations made against them in the writ petition, if any, shall be deemed not to have been admitted.

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

All parties shall act on the website copy of this order.

(Ashis Kumar Chakraborty, J.)