

Item No. 9

09.12.2020
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction

WPA No. 8213 of 2020

Biswajit Das

v.

The State of West Bengal & Ors.

Ms. Usha Maity

Mr. Sakya Maity

... for the petitioner.

Mr. Biswabrata Basumallick

Mr. Sanjib Das

... for the State.

Mr. Basudeb Gayen

... for the Municipality.

The petitioner prays for approval of his appointment in the Baidyabati Municipality under the exempted category.

Pursuant to the direction passed by this Court in WP No. 6567(W) of 2019 the Director of Local Bodies took a decision in July 2019 and communicated the same to the petitioner wherein the Director of Local Bodies was of the opinion that the approval of appointment of the petitioner on compassionate ground in a sanctioned vacant post of driver reserved for the exempted category in Baidyabati Municipality is accorded. The Chairman was directed to satisfy himself with the documents and other evidence verifying the

testimonials of the petitioner before according appointment.

Upon verification of the documents submitted by the petitioner the Chairman of the Municipality forwarded the said documents to the Director of Local Bodies wherefrom it appears that the driving license of the petitioner was issued on March 12, 2010. The Light Motor Vehicles License was issued in his favour on October 16, 2015 and the license for Transport Vehicle was issued on January 20, 2020.

The qualification required for recruitment of drivers as appear in the Kolkata Gazette Extraordinary dated October 12, 2006 mentions that the candidate must have Heavy Driving License with an experience of not less than five years.

As the Transport License i.e. Heavy Driving License was issued in favour of the petitioner only in January 2020, accordingly the municipality was not in a position to accord approval of his appointment. The Court does not find any fault with the action of the municipality as the requirement of law for possessing a Heavy Driving License was not fulfilled by the petitioner. The petitioner will be entitled for approval of his appointment only after completion of five years i.e. in the year 2025 and not prior thereto.

The learned advocate for the petitioner submits that the requirement of possessing the Heavy Driving License for five years is not required to be followed at the time of recruitment under the exempted category. The petitioner has however not been able to produce any law in support of the aforesaid contention.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition being WPA No. 8213 of 2020 stands dismissed.

Urgent xerox certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)