

27.01.2021
Ct. No.13
Sl. No.65
akd

W.P.A. 929 of 2021 [via video conference]

[Habibur Rahaman & Ors. -Vs- State of West Bengal & Ors.]

Mr. Anjan Bhattacharjee
Mr. Sabyasachi Bhattacharyya
Ms. Chaitali Mukhopadhyay
Ms. Anita Shaw

... .. for the petitioners

Mr. Joytosh Majumder .. Ld. Govt. Pleader
Mr. Raja Saha
Mr. Biswabrata Basu Mullick

... .. for the State

The writ petitioners were engaged on ad-hoc basis as *Prani Bandhu* under a scheme to conduct cattle census in the year 2012. The primary work done by the petitioners is to collect livestock semen samples and distribute them amongst the villagers to increase the cattle population and to maintain a good breed.

The writ petitioners have also signed an agreement with the State that they shall be engaged on their own. The petitioners have been receiving unspecified ad-hoc remuneration for periods that are not disclosed in the writ petition. The petitioners seek stay of the process of recruitment undertaken by the State that has got nothing to do with the nature of work done by the petitioners. They claim that the advertisement and recruitment process shall extinguish their positions.

The posts advertised by the State vide Advertisement No. 11/2019 is that of Livestock Development Assistant in the Directorate of Animal Resources and Animal Health under the Animal Resources Development Department, Government of West Bengal.

This Court sees absolutely no connection between the work done by the petitioners or the posts for which recruitment notice has been published. Even assuming for the sake of argument that some of the functions of the posts advertised would involve the work done by the petitioners, they cannot seek stay of a regular recruitment process.

The last grievance of the petitioners is the notification dated 15th July, 2019. The said notice has its origin in an earlier notice of September, 2011. Since the petitioners did not work in any sanctioned post nor come in the category of casual workers mentioned in the said circular, they cannot claim any benefit under the said Memorandum dated 15th July, 2019.

Parties have referred to orders dated January 8, 2015 and November 20, 2019 passed in W.P. No.32427(W) of 2014 (*Pradip Kumar Das vs. State of West Bengal & Ors.*) and W.P. No. 19639(W) of 2019 (*Swapan Biswas & Ors. vs. The State of West Bengal & Ors.*) respectively passed by the coordinate Benches of this court which are kept with the record.

It is clarified that the petitioners may participate in the recruitment process undertaken by the State referred to hereinabove, if they are otherwise eligible in terms of the criteria stipulated thereat.

The writ petition is, therefore, disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)