

17.12.2021
Sl. No.24
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 294 of 2019

Anjan Majumdar
Vs.
The State of West Bengal & Ors.

Mr. Sudeep Sanyal,
Mr. Sukanta Das

....for the petitioner.

The petitioner was engaged along with 12 others as part-time sweeper and water carrier at the District Magistrate and Additional District Magistrate's Bungalow, Collectorate Compound and Circuit House, Paschim Medinipur by an office order dated 20th May, 2009 issued by the Deputy Secretary (Finance) and the order of the District Magistrate, Paschim Medinipur dated 2nd July, 2009. The petitioner says that though others have been allowed to continue, the petitioner has been disengaged by citing "dropped on administrative grounds", as will appear from the letter dated 3rd October, 2018 issued by Nezarath Deputy Collector, Paschim Medinipur in response to petitioner's application dated 5th September, 2018 made under the provisions of Right to Information Act, 2005. The petitioner says that as per the letter dated 3rd October, 2018, it is apparent that all the 13 employees engaged on contractual and non-permanent basis can continue up to 60 years of age, if otherwise nothing adverse is reported against. The petitioner, therefor, should be allowed to continue till attaining 60 years.

The scope of judicial review with regard to contractual appointment and that too on non-

permanent basis, is very limited. Interference to an order of disengagement is uncalled for unless it is demonstrated that the same is patently illegal. The decision to drop the petitioner as reflected in the letter dated 3rd October, 2018 does not show any illegality far less palpable illegality. The petitioner cannot claim any right to be allowed to continue till attaining the age of 60 years.

In the instant case, the administrative decision of disengaging the petitioner may be cryptic but owing to the nature of engagement, the facts of the case and that only the petitioner out of 13 such persons being dropped, the order does not call for any interference.

The writ petition is thus dismissed, however, without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)