

S/L 2
12.08.2021
Court. No. 19
GB

W.P.A. 4414 of 2019

Md. Najmul Hossain
VS
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Shabana Hasin.

...for the Petitioner.

*Mr. Susanta Pal,
Ms. Ananya Neogi.*

...for the State.

The report filed by the Block Development Officer, Hariharpara Block, Murshidabad is taken on record.

Pursuant to the order of this Court, the petitioner has once again attempted service upon the respondent no.8. Despite service none appears on behalf of the respondent no.8.

The petitioner is aggrieved because neither the Pradhan, Beharia Gram Panchayat nor the Executive Officer/Block Development Officer, Hariharpara Block, Murshidabad have allowed the petitioner to join as a medical officer of Beharia Gram Panchayat. The petitioner alleges that despite the order of engagement, the petitioner was not allowed to join but no written communication was received by the petitioner as to why the order of engagement was not given effect to by the authorities.

The petitioner draws the attention of the Court to two orders of the Pradhan, Beharia Gram Panchayat. One being a letter to the petitioner offering him the post of homoeopathy medical officer in Beharia Gram Panchayat office under the Hariharpara Block with effect from June 30, 2017. The other being an intimation of the factum of engagement of the petitioner to the Executive Officer/Block Development Officer, Hariharpara Block, Murshidabad. The petitioner further contends that in place of the petitioner the respondent no.8 has been appointed in the Beharia Gram Panchayat.

Mr. Pal, learned advocate appearing on behalf of the State respondents submits a report from the concerned Block Development Officer, Hariharpara Block, Murshidabad. In the said report it has been clearly stated that the respondent no.8 had joined the Beharia Gram Panchayat as homoeopathy medical officer on June 6, 2018 upon being released from Domkol Development Block by the Block Development Officer, Domkol. It is submitted that the Pradhan of Beharia Gram Panchayat did not have any role to play in the appointment of the respondent No.8 as the homoeopathic medical officer in Beharia Gram Panchayat.

However, as there are disputed question of facts, which cannot be decided in the writ petition, the Court deems it fit that the petitioner must approach the Executive Officer, Murshidabad Zilla Parishad ventilating his grievances. If such application is made, the said Executive

Officer, Murshidabad Zilla Parishad shall dispose of the said representation of the petitioner in accordance with law by allowing the petitioner a hearing and an opportunity to place all documents in support of the petitioner's contention. The Pradhan of Beharia Gram Panchayat shall also be given an opportunity to explain the reasons as to why the petitioner was not allowed to join as alleged.

The entire exercise shall be completed within a period of eight weeks from receipt of the representation of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)