

DL. February
20. 19, 2021

Through Video Conference

W.P.A. 4530 of 2019

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal,
...for the petitioner.

Mr. Pinaki Dhole,
...for the State respondents.

The affidavit of service filed on behalf of the petitioner in court today is taken on record.

This writ petition is at the instance of a lady, who was appointed as sweeper vide appointment letter dated November 20, 2000 issued by the Secretary, Antaranga Manasik Pratibandhi Mahila Vidyaniketan.

From a perusal of the said appointment letter dated November 20, 2000 it appears that the writ petitioner was appointed on voluntary basis with a rider that in future if any opportunity arises for absorption against any sanctioned post, she would not be allowed to lodge any claim for her absorption. Mere reading of the appointment letter, which is at page 14 of the writ petition, clearly goes to show that the writ petitioner was not appointed against any sanctioned post upon following the recruitment rules prevalent at the material point of time. Though the writ petitioner was not appointed against the sanctioned post, it is also not clear to this court whether any sanctioned post is lying vacant in the said institution or not at present.

Considering the mode of appointment of the writ

petitioner which transpires from the said appointment letter dated November 20, 2000, the relief claimed by the writ petitioner cannot be entertained; in this regard reliance is placed upon the decision rendered by the Apex Court in the case of **Secretary, State of Karnataka & Ors. vs. Uma Devi (3) & ors.** reported in (2006) 4 S.C.C. 1.

Since the petitioner does not have any legally enforceable right which can be enforced by issuance of mandamus, the writ petition is dismissed as the same does not merit consideration.

However, there shall be no order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

dns

(Saugata Bhattacharyya, J.)