

S/L 16
15.11.2021
Court. No. 19
GB

WPA 7101 of 2021

Kanchan Bhattacharya
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Amal Barman,
Md. Hafiz Ali.*

...for the Petitioner.

*Mr. Swapan Kumar Dutta,
Ms. Debjani Mitra.*

...for the State.

The writ petition has been filed with a prayer for regularization of the petitioner, who has allegedly been serving as a majdur in the Berhampore Municipality on temporary basis.

None appears on behalf of the Municipality.

The notice intimating the Municipality that the matter will appear before this Court today, is taken on record.

According to the petitioner, although some similarly situated persons have been regularized, the petitioner has been left out of the zone of consideration. From the writ petition I find reference to such persons at Paragraph-11 thereof. However, details have not been provided nor have these persons been made parties to this proceeding. The petitioner has not been able to make out a case of discrimination.

Regularization is not a matter of right. Neither is it evident from the record, before this Court that the petitioner

was appointed even on temporary basis as per any recruitment/selection process. However, record reveal that up to 2014, the petitioner had been serving in the municipality and had been assigned poll duty.

The petitioner is granted the liberty to approach the Director of Local Bodies, Government of West Bengal along with all documents in his favour. If such approach is made, the Director of Local Bodies, Government of West Bengal shall consider and dispose of the case of the petitioner upon giving a hearing to the petitioner as also to the Municipality and other interested parties, within a period of eight weeks from date of receipt of the application of the petitioner, but strictly in accordance with law.

This order shall not be construed as a direction for regularization of the petitioner. A reasoned order shall be passed and communicated to all concerned.

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 learned advocate's communication.

(Shampa Sarkar, J.)