

17.08.2021
Sl. No.26
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 9223 of 2021

Santu Hazra & Ors.
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. M. Bose
Mr. Lakshminath Bhattacharya
....for the petitioners.
Mr. Jahar Lal Dey,
Mr. A. K. Bera
....for the State.

Affidavit of service filed in Court today is taken on record.

Twelve petitioners have joined in the writ petition to espouse their individual causes as against the same set of respondents. Court fees paid is in respect of only one petitioner. Petitioners are directed to pay the deficit court fees by 23rd August, 2021.

The petitioners say that pursuant to an order dated 5th October, 2016 issued by the Government of West Bengal, Department of Agriculture Training Branch, the petitioners applied for taking the training as enumerated in the said order. The petitioners were imparted the training. During the training period, the petitioners were treated as apprentice and had been given the requisite stipend. After completion of the training, the petitioners have also been issued the certificate. The petitioners now say that by virtue of

clause 14 of the said order, the names of the petitioners are required to be considered for employment in their respective block on the basis of the training received by each of them. The petitioners have made representations before the respondent nos.4 and 5 respectively on 12th December, 2017 and 5th January, 2018 to consider their names for employment. The said representations have been kept pending and as such, the petitioners have filed this writ petition, inter alia, claiming a mandatory order directing the respondents to engage the petitioners in the vacant posts of K.P.S. in different gram panchayats of the district of North 24-Parganas, Purba Medinipur and Paschim Medinipur.

After considering the order dated 5th October, 2016, and in particular, clauses 10 and 14 thereof, I do not find that the State Government had given even any assurance of placement to the petitioners after completion of the training leaving aside a commitment for appointment. The petitioners also have no right to claim for a mandatory order of appointment invoking the provisions of clause 14 of the said order dated 5th October, 2016. In absence of any assured right or any right under the Part – III of the Constitution of India, the infringement of the same cannot be complained of by invoking writ

jurisdiction under the provisions of Article 226 of the Constitution of India.

The writ petition is as such devoid of merits and is accordingly dismissed without any order as to costs.

Dismissal of the writ petition, however, will not prevent the respondents from considering the petitioners and/or each one of them for employment against any vacancy in the concerned department wherein weightage is given to the training received by the petitioners.

(Arindam Mukherjee, J.)