

W.P.A. 10705 of 2021

(Through Video Conference)

JAINUL SK.

VS.

THE STATE OF WEST BENGAL & ORS.

Mr. P.S. Deb Barman

Mr. Md. M. Nazar Chowdhury

...for the petitioner

Mr. Debasish Mukhopadhyay

Ms. Jeenia Rudra

..for the Municipality

Mr. Srijan Nayak

Ms. Rituparna Maitra

..for the State

This writ petition has been filed challenging inaction on the part of the Islampur Municipality in granting appointment to the petitioner, who was selected as a “Clerk” under the municipality. Such selection was also approved by the Director of Local Bodies, Government of West Bengal.

It is contended that out of 17 persons, who were selected, 10 persons have been given appointment by the municipality and 7 persons have been left out. It is submitted that this is a clear case of discrimination and once the Director of Local bodies of West Bengal approved the selection, nothing further remains to be decided by the municipality. Only the appointment letters should be issued to the persons who have not been favoured with a

letter of appointment despite their selection having been approved by the superior authority of the State.

Mr. Mukhopadhyay, learned Advocate for the Municipality submits that there is no mala fide intention on the part of the municipal authority in not granting the appointment. Due to the outbreak of the pandemic and lock down, the orders of appointment could not be issued. He further submits that the municipal authorities do not have any intention to ignore the order of selection and approval. He prays that two weeks time be given to the Municipality to issue the appointment letter to the petitioner.

In view of the above submissions, this Court is of the opinion that once the selection of the petitioner has been approved by the government, against a specified post nothing further remains to be decided by any of the authorities. The formal appointment letters to the petitioners with the terms and conditions of service as per the rules of the municipality, shall be issued within four weeks.

This writ petition is disposed of with a direction upon the municipality and/or competent authority to issue appointment letters to the petitioner within a period of four weeks from date. After receiving such appointment letter, the petitioner shall be allowed to work in the post. The COVID rules and lock down rules etc. issued by the

Government from time to time shall be applicable in the duty roster if the municipality deems fit.

This writ petition is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar,J.)