

S/L 4
12.07.2021
Court. No. 19
GB

W.P.A. 10800 of 2021

Dipanwita Chandra @ Dipanwita Biswas
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Probal Sarkar,
Mr. Lalratan Mondal.*

...for the Petitioner.

*Mr. Tapan Kumar Mukherjee,
Ms. Saheli Mukherjee.*

...for the State.

This writ petition has been filed challenging non-regularization/non-absorption of the petitioner, who was engaged as a casual employee (Group-D) in the Berhampore Municipality. Such engagement was done in the year 2012.

It is the contention of the petitioner that the petitioner had been working in the health wing under the B.F.I. Department of the Municipality and has been continuing to do so. The petitioner prays that a direction be issued upon the concerned Municipality to consider the case of absorption of the petitioner in view of the long-standing service rendered by the petitioner.

Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader submits that regularization is not a matter of right. He further submits that the petitioner's contention that she is continuing to serve in the Municipality on casual basis, is not backed by any documents. Moreover,

the appointment of the petitioner was given without following the recruitment rules. This was a back-door appointment. Such appointment cannot be regularized.

Without going into the merits of the claims and counter-claims of the parties and without deciding any of the disputes raised herein, this writ petition is disposed of with a direction upon the Administrator, Berhampore Municipality to take a decision on the demand of justice/letter of the learned advocate of the petitioner dated September 30, 2021. Such decision shall be taken upon hearing the petitioner and any other person who may be relevant for such decision. A reasoned order shall be passed and communicated to all concerned. The entire exercise should be completed within a period of eight weeks from date of communication of this order.

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.)