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28.01.
2021
Ct. No.24

W. P. A. 15158 of 2019

**Sumita Pramanik
Vs
The State of West Bengal & Ors.**

**Mr. Amal Baran Chatterjee
Mr. Bhaskar Ch. Manna
.....For the Petitioner
Mr. Rezaul Hossain
.....For the State
Md. Sarwar Jahan
.....For the Added Respondent**

Leave is granted to the learned advocate on record of the petitioner to implead Paschim Banga Rajya Sishu Siksha Kendra as a party respondent in the instant writ application. The requirement of serving a copy upon the said authority is dispensed with, as the learned advocate appearing on behalf of the added respondent is ready with instructions in Court.

The petitioner prays for approval of appointment as Sahayika of Baragarania Sishu Siksha Kendra. According to the petitioner the engagement process was initiated in the year 2009. The petitioner claims that a letter of engagement was issued in her favour by the Secretary of the said Sishu Siksha Kendra in the year 2010 and as the Panchayat Samity was not functioning at that point of time the approval of the engagement of the petitioner

could not be made. The petitioner thereafter filed several litigations before this Court. A direction was passed for consideration of the prayer of the petitioner for approval of her appointment. Pursuant to the direction of the Court, the matter was heard by the Block Development Officer, Khejuri -II Development Block and an order was passed on 8th December, 2014 communicated to the petitioner by Memo dated 23rd December, 2014. The same is under challenge in the instant writ petition.

The prayer of the petitioner was turned down on the ground that all the procedural steps were not followed at the time of engagement of Sahayika in the said Sishu Siksha Kendra. It has been pointed out that prior approval of the panel of candidates by the Panchayat Samity was not available. The proposal was not placed in the meeting of the Sthayee Samity. The petitioner was under-aged on the date the recruitment process took place.

According to the petitioner the Panchayat Samity was not performing at that point of time and as such the petitioner ought not to suffer in view of the meeting not being conducted by the Panchayat Samity.

The learned advocate appearing on behalf of the State respondents submits, upon instructions, that no letter of engagement was issued in favour of the

petitioner ever. No agreement was ever entered in between the petitioner and the Sishu Siksha Kendra as required under law. The petitioner never worked as the Sahayika in the said Sishu Siksha Kendra even for a single day. It has also been submitted that the notice which was published for recruitment of Sahayika in the said Sishu Siksha Kendra is bad in law as the minimum time limit of issuance of the said notice was not maintained.

The learned advocate appearing on behalf of the Mission Director submits, upon instructions, that the procedures which are required to be complied with for the purpose of engagement of Sahayika was not followed at the time of initiating the process for engagement in the said Sishu Siksha Kendra. It has been submitted that though there was a provision for relaxation of the age of the candidates who were under-aged, no such relaxation was made in the case of the petitioner. Neither there has been any relaxation in the procedures for approval of the proposal for recruitment in the said Sishu Siksha Kendra.

It appears from record that no formal letter of engagement was issued in favour of the petitioner, though the petitioner has relied upon a document which shows that the Sishu Siksha Kendra had adopted a resolution for engaging the petitioner as the

fourth Sahayika.

The law is well-settled that empanelment of a candidate does not give a right for appointment. No right accrues in favour of a candidate, if the procedure required for engagement was not followed. It appears that there are several discrepancies in the procedure pursuant to which the petitioner claims to have been engaged. The petitioner was under-aged, there was no relaxation for permitting her to appear in the recruitment process. There was no meeting of the Sthayee Samity and there is no resolution of the Panchayat Samity either. Accordingly, no relief can be granted to the petitioner in the instant case.

The instant writ application stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)