

20-01-2021
ct no. 13
Sl.51
sp

WPA 11599 of 2020

Ganesh Jana

-Versus-

State of West Bengal & Ors.

**Mr. Uttam Kumar Mazumder,
Mr. Bhaskar Seth,
Mr. Debashis Kundu**

.... for the petitioner

The petitioner was working as caretaker-cum-night guard on daily wage basis of State of Cashewnut and Horticulture Research and Development Farm, Digha, Purba Medinipur. He claims that he has been engaged since 2012. A letter to this effect issued by the Agricultural Development Officer (Cashewnut), State Cashewnut & Horticulture Research and Development Farm, Digha, Purba Medinipur has been annexed to the writ application. It is not known whether the Agricultural Development Officer has any authority to issue such certificate.

Be that as it may, since the petitioner only claims that he has been working as a casual worker, there is no enforceable right that he has

against the State to continue in such post or position.

The Government has, pursuant to a policy decision, engaged private security contractors all over the State for different establishments of the Directorate of Horticulture. There is one post of caretaker and night guard reserved for the State Cashewnut & Horticulture Research and Development Farm, Digha, Purba Medinipur. The post is required to be manned by armed personnel as evident from the communication dated December 2, 2020 at page 35 of the writ application.

The policy decision of the State cannot be interfered with in the light of the facts of the case. The petitioner always knew that his engagement is casual in nature and hence no relief can be granted to the petitioner.

It is submitted that the petitioner is withholding the keys and access to the said cashewnut farm. Since the petitioner is wrongfully withholding such keys, no relief can be granted in the instant writ petition.

However, if the petitioner hands over the keys of the farm to the respondent no. 6 within seven days from date, he shall be entitled to make representation to the State and/or to the concerned Department and/or Directorate, for

claiming any benefit under any State guidelines or scheme or circular for absorption in the service in accordance thereof.

With the aforesaid directions, the instant writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)