

25.02.2022
Court No. 19
Item no.16
CP

WPA 1442 of 2022

Sri Dilip Khanda
Vs.
The State of West Bengal & Ors.

Mr. Balai Lal Sahoo
Mr. Sankha Prasad Ray
....for the petitioner.

Mr. Koushik Chatterjee
Mr. Nilanjan Adhikari
....for the municipality.

Mr. Malay Singh
Ms. Neelam Singh
....for the State.

The petitioner is aggrieved by a memorandum No. 153/DLB/H-409/15-90 (Pt-II), dated February 10, 2020, by which the petitioner's appointment has been approved under the Contai Municipality (hereinafter referred to as 'the municipality'), in the post of Sweeper with retrospective effect from March 15, 1994.

It is submitted by the petitioner that the petitioner has a bachelors degree and his service should have been approved in the post of a clerk. It is submitted that the municipality also allowed the petitioner to perform the duties of a clerk and the same shall appear from the list maintained by the municipality as also the service book.

Learned advocate for the municipality submits that the petitioner was engaged as a casual worker and even if he was made to do some clerical works, the same would not confer any right upon the petitioner to be appointed as a clerk. It is further submitted that the petitioner's qualification has been recorded as Madhyamik Pass in the gradation list.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the petitioner to make a detailed representation before the Director of Local Bodies, Government of West Bengal, ventilating his grievances. If such representation is made, the Director of Local Bodies shall dispose of the same upon hearing the petitioner as also the authorities of the municipality. The petitioner and the municipality shall produce all relevant records pertaining to the aforementioned issue.

A reasoned order shall be passed and communicated to the parties concerned.

The court has not gone into the merit of the claims and counter-claims of the parties and the issues shall be decided independently.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)