

05.05.2022
Court No. 19
Item no.14
CP

WPA No. 3579 of 2022

Mohan Chandra Mondal @ Mohan Mondal
Vs.
The State of West Bengal & ors.

Mr. Debabrata Karan
Ms. Sabita Khutia (Bhunya)
Mr. Debopriyo Karan
....for the petitioner.

Mr. Himadri Sikhar Chakraborty
Ms. Debdooti Dutta
....for the State.

The petitioner was engaged as a 'Saha-anuprerak (VT)' in the Haturia – I Gram Panchayat with effect from January 1, 1997. It is not in dispute that his name had appeared in the approved list of Saha-anuprerak issued by the Additional District Magistrate (Dev), Howrah dated June 2, 2004. The petitioner was thereafter disengaged sometime in 2013. Although the order of disengagement/discontinuation of the petitioner is not in the records of the Block Development Office, Bagnan, Howrah, the petitioner himself submits that such disengagement took place sometime in 2013.

The writ petition has been filed for an order of appointment of the petitioner to any group – D post under the Department of Panchayat and Rural Development, Government of West Bengal and for

payment of remuneration on the basis of memo dated April 23, 2010 for the period between the date of issuance of the said memo till the date of disengagement of the petitioner.

The District Mass Education Extension Officer, Howrah has intimated the District Magistrate, Howrah that the Continuing the Education Programme, under which the Sahanupreraks were engaged had been discontinued sometime in 2009.

The learned advocate for the State respondents has also relied upon on a Division Bench judgment of this court, passed on January 18, 2019 in WP 25879 (W) of 2018 in order to substantiate that the Division Bench had noted that the scheme under which the petitioner had been appointed had been discontinued long ago. The association of Sahanupreraks had moved this court by filing a public interest litigation for payment of remuneration and other reliefs. The writ petition was dismissed. The special leave petition was dismissed by the Hon'ble Apex Court with liberty to the parties to file individual grievances before the High Court.

Admittedly, the petitioner was engaged in a project. The purpose of such engagement was to arrange periodical training in literacy centres. The project under which such engagement was made was

discontinued on and from September 30, 2009. Thus, the petitioner has not been working as a Sahanuprerak since discontinuation of the project. If the panchayat authorities continued with the service of the petitioner in the said office of the gram panchayat between October 2009 till the date of disengagement allegedly in 2013, the same must have been a private arrangement between the gram panchayat and the petitioner and such arrangement would not vest any right upon the petitioner to be appointed under any group – D post.

Moreover, the petitioner is 55 years old and has crossed the age bar to appear in any selection process to be held under the state Government or its departments.

The petitioner has approached this court after 9 years from the date of his disengagement seeking a mandamus upon the respondents to appoint the petitioner in a post under the government or local bodies.

The writ petition cannot be entertained for the reasons as aforesaid. The petitioner does not have a vested legal right to be appointed. The engagement of the petitioner to a particular post for a project was discontinued in 2009. The engagement of the petitioner by the panchayat authorities after such

project was stopped is also not fortified by any documents.

The writ petition is disposed of without any orders.

With regard to the applicability of the circular dated April 23, 2010, this court is of the view that the said circular could not be given retrospective effect as the project under which the petitioner had been engaged was discontinued in September, 2009.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)