

10.05.2022
Sl. No.5
srm

W.P.A. No. 4474 of 2022
Parul Kujur (Oraow) & Ors.
Versus
The State of West Bengal & Ors.

Mr. Panchanan Let

...for the Petitioners.

Mr. Lalit Mohan Mahata,

Mr. Prasanta Behari Mahata

...for the State-respondents.

The petitioners allege that they were allowed to join as Anganwadi Helpers pursuant to appointment letters issued by the Project Officer. Thereafter, by an order dated March 2, 2022, such appointments were kept in abeyance and postponed by the selfsame Child Development Project Officer, Bamangola ICDS Project, Malda, who had issued the appointment letters. Aggrieved, the petitioners filed this writ petition.

It appears that upon mis-interpretating the order of this Court dated February 2, 2022 passed in WPA No.1080 of 2022, appointment letters were issued to 99 candidates without following the due process of law. Coming to know of such irregularities, the appointment letters, which were issued, were postponed by the Child Development Project Officer, Bamangola ICDS Project, Malda.

Mr. Mahata, learned Additional Government Pleader, had initially informed the Court that the matter would be resolved.

Upon further direction of the Court to come back with a report, Mr. Mahata now produces a document to show that various irregularities had been detected in the process of issuance of the appointment letters to 99 persons as Anganwari Sahayikas (Helpers). The District Magistrate, Malda has been requested to cause an enquiry in the matter.

Earlier, some persons had moved this Court, alleging that the recruitment process which had taken place pursuant to the advertisement dated December 10, 2009 in Bamangola ICDS Project, Malda had not been reached to its logical conclusion. The petitioners in WPA 1080 of 2022 claimed to be empanelled candidates, who had succeeded in the selection process. 99 candidates featured in the final panel, as per the information of the petitioners. Allegation was that the merit list had not been published. This Court had directed the Child Development Officer, Bamangola ICDS Project to consider the representation of the said petitioners dated October 8, 2021. The said respondent was also directed to pass a reasoned order. It appears that no order was passed, but appointment letters were issued in respect of 99 candidates, all dated February 22, 2022. The allegation is that

the petitioners joined the said posts and thereafter they were prevented.

The communication of the Director of ICDS, West Bengal dated May 3, 2022 to the District Magistrate, Malda requesting an enquiry, indicates that the Project Officer one Tridip Das, who had issued the appointment letters to the 99 candidates and had thereafter postponed the said appointments and joining, had committed some technical irregularities.

The Director of ICDS, West Bengal raised some queries, which are as follows:

- (a) Whether the appointment letters were issued in accordance with the 100-point roster?
- (b) When the Court had directed the representation of 29 writ petitioners of WPA 1080 of 2022 to be considered, what prompted the Child Development Project Officer, Bamangola ICDS Project, Malda to issue appointment letters to 99 candidates?
- (c) Whether the panel was approved by a selection committee at a properly convened meeting.
- (d) Why the Child Development Project Officer, Bamangola ICDS Project, Malda, who had issued the appointment letters and then postponed the appointment, could not detect the irregularities earlier.

(e) One Kader Mondal was allegedly involved in the process, whose antecedents should be verified.

Mr. Mahata submits that unless the queries are answered in a proper way, the order of postponement which was issued by the Child Development Project Officer, Bamangola ICDS Project, Malda must not be interfered with.

Under such circumstances, the writ petition is disposed of with a direction upon the District Magistrate, Malda to cause an enquiry, as requested by the Director of ICDS, West Bengal by his letter dated May 3, 2022 and pass necessary orders and take such action in accordance with law. A representative of the petitioners shall also be allowed to participate in such enquiry and make submissions with supporting documents in support of their claims.

The allegations raised in this writ petition are not decided on merits and the petitioners shall be entitled to raise all such issues after conclusion of the enquiry, if the occasion so arises.

The enquiry will be completed within a period of two months from the date of communication of this order and the copy of the report shall be supplied to the writ petitions and other interested parties. If the appointments are found to be in accordance with law, steps shall be taken to give effect to

the appointment letters. If the selection/appointments were irregular, then reasons shall be disclosed in the report.

This order is restricted only to the persons, who have filed this writ petition.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)