

10 01.04.2022
rkd Ct.15

W.P.A. 3800 of 2018

Sri Biswanath Singha

-vs-

The State of West Bengal & Ors.

Mr. Sankar Biswas

....for the petitioner.

Mr. Basudeb Gayen

....for the Baidyabati Municipality.

Mr. Jahar Lal De,

Mr. Shamim-UL-Bari

....for the State.

The writ petition is taken up for hearing in presence of the learned advocates representing the petitioner and Baidyabati Municipality. However State respondents remain unrepresented.

Since Mr. De, learned advocate has entered his appearance in an identical matter which has been disposed of by this Court today by passing an order, this Court requests Mr. De to represent the State respondents in this matter too.

The Office of the learned Government Pleader is requested to regularise the engagement of Mr. Jahar Lal De with Mr. Samim ul Bari, learned advocates to represent the State respondents.

Learned advocate of the writ petitioner is directed to hand over a copy of the writ petition to Mr. De.

Mr. Biswas, learned advocate representing

the petitioner submits that the issue involved in this writ petition is identical to the issue involved in the writ petition being WPA 3794 of 2018 which has been disposed of by this Court today. The only difference is in the present case petitioner was appointed on 2nd April, 1991 by the Baidyabati Municipality as Clerk but his case was also recommended by the Chairman of the said Municipality vide letter dated 20th November, 2017 whereupon the Director of Local Bodies, Government of West Bengal vide Memo dated 23rd August, 2018 clarified that no formal approval is required in view of the Government Order dated 28th June, 2004.

In view of the similar facts involved in the present case, no separate order need be passed on this writ petition. The order passed by this Court on WPA 3794 of 2018 and the direction contained therein shall apply in the present writ petition too. The order dated 1st April, 2022 passed on WPA 3794 of 2018 shall be retained with the record of the present writ petition.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)