

Item No. 89

17.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4898 of 2022

Sri Ajit Ghosh
v.
The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharya
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
... for the State.

Ms. Jamuna Saha
... for the respondent no. 9.

The petitioner was issued an engagement letter by the Pradhan of the Barkola Gram Panchayat, Kharagpur-1 Panchayat Samity on December 21, 2020 engaging him as tax collector. The engagement process undertaken by the Pradhan of the Gram Panchayat was rejected by the Executive Officer, Kharagpur-1 Panchayat Samity and communicated to the Pradhan by the impugned communication dated October 27, 2021.

According to the petitioner, all the rules relating to engagement of the collecting sarkar was followed at the time of issuance of the engagement letter. It is the specific contention of the petitioner is that his engagement has been set at naught in view of the impugned communication made by the Executive Officer

to the Pradhan of the Gram Panchayat. No opportunity of hearing was given to the petitioner prior to the impugned communication made by the Executive Officer to the Pradhan.

Learned advocate representing the State respondents upon specific instruction from the Block Development Officer submits that the rules relating to the engagement process was not followed. The advertisement for engagement was not published in accordance with law. There are several discrepancies in the engagement process and accordingly, the Executive Officer did not approve the said engagement process.

The petitioner has relied upon the communication dated July 28, 2021 made by the Pradhan to the Executive Officer.

It appears that the engagement process in which the petitioner participated was disapproved by the impugned communication of the Executive Officer. In the meantime, the petitioner was issued the letter of engagement by the Pradhan. The Executive Officer ought to afford an opportunity of hearing to the petitioner prior to taking any decision with the engagement process.

Accordingly, the writ petition is disposed of by giving liberty to the petitioner to file a comprehensive representation before the respondent no. 6 highlighting his grievances. In the event, such a representation is

made within August 23, 2022, the same shall be considered by the respondent no. 6 strictly in accordance with the prescribed rules after giving reasonable opportunity of hearing to all the necessary parties including the petitioner and thereafter take a decision as to whether the engagement process may be approved or not.

The Executive Officer shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

Till a decision is taken in the matter by the Executive Officer, the impugned communication dated October 27, 2021 shall be kept in abeyance.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)