

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6321 of 2021

Smt. Archita Manna
Vs.
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyaya
... For the petitioner

Mr. Sayan Ganguly
... For the State

Affidavit of service filed in Court today is taken
on record.

The petitioner says that her husband Tapan Manna succumbed to the bullet injuries inflicted on 26th February, 2004 while police fired to disburse a violent mob at Bishisanpur Market. The petitioner filed a writ petition, being WP 25085 (W) of 2013 claiming certain reliefs. At the time of hearing of the said writ petition on 9th March, 2015, a submission was made on behalf of the State to the following effect:-

“The State also says that the petitioner will be given permanent employment as a special home guard.”

The said writ petition was finally disposed of by an order 2nd February, 2015, the operative portion of the order is as follows:-

“In view of the fair offer made by the State, including the engagement to be given to the petitioner, it does not appear that the petitioner or her family should have any further grievance.

W.P. 25085 (W) of 2013 is disposed of by requesting the State to ensure that the ex gratia payment of Rs.2 lakh and the formalities of engaging the petitioner as a special home guard are completed within a period of two months from date.”

The petitioner was selected as a Special Lady Home Guard candidate for 42 days basic training at district headquarter. The petitioner was thereafter enrolled as a Special Lady Home Guard volunteer with effect from 4th November, 2015. The petitioner says that her engagement is on daily wage basis and not a permanent employment as submitted by the State and recorded in the order dated 9th March, 2015.

The fact remains that in the final order, there is no mention of any permanent employment but it speaks only of an engagement. The petitioner’s claim for permanent employment, therefor, cannot be entertained as no such direction was there in the final order. In any event, under the West Bengal Home Guards Act, 1962 and Rules framed thereunder, there is only scope of enrollment and no scope of permanent appointment.

In the aforesaid facts and circumstances, the writ petition is devoid of any merit and is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)