

17.01.2022
Court No. 19
Item no.26
(gc)

WPA 6901 of 2021

**Gangadhar Sen
Vs.
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy, Adv.,
Mr. Falguni Bandyopadhyay, Adv.,
Mr. Subhankar Das, Adv.
.....for the petitioner.
Mr. Sirsanya Bandyopadhyay, Ld. Jr. Standing Counsel,
Mr. Arka Kumar Nag, Adv.,
...for the State.

The petitioner is claiming regularization in terms of a notification dated 8th October, 2003. According to the petitioner, he was appointed as a Group-D Staff under the Purulia Zilla Parishad sometime in 1992 on contractual basis on the basis of a resolution opted by the Zilla Parishad. According to the petitioner, despite having worked for several years, the authorities did not regularize the petitioner by securing permanency to the service rendered by the petitioner. Reliance has been placed on a decision of this Court in **WPA 8412 of 2020 (Binod Prasad Dubey & Anr. Vs. The State of West Bengal & Ors.)**.

Mr. Sirsanya Bandyopadhyay, learned Advocate appearing on behalf of the State respondents submits that the petitioner has slept

over his rights since 1992. The scheme for regularization/office order relied upon by the petitioner was issued in 2003. That after the decision of the Apex Court in the matter of ***State of Karnataka Vs. Uma Devi*** reported in ***(2006) 4 SCC 1***, the question of regularization of a contractual employee who was engaged as a private arrangement by the Zilla Parishad did not arise. That the scheme relied upon was no longer valid and the petitioner was not covered by the said scheme. He further submits that there were several irregularities in the appointment of the petitioner and the petitioner did not stand in the same footing as those persons whose cases were directed to be considered by this Court.

Having heard the rival contentions of the parties, this Court refrains from entering into the merits of the case. This Court also is of the view that on the basis of the decision of the Hon'ble Apex Court, regularization cannot be claimed as a matter of right. As Mr. Bandyopadhyay has submitted that the petitioner does not have any right to be regularized, no mandatory order can be passed by this Court.

The writ petition is disposed of with a direction upon the District Magistrate, Purulia to intimate the petitioner the reasons as to why the petitioner cannot

be regularized. Such communication shall reach the petitioner within a period of three months from the date of communication of this order.

This order shall not be construed as an observation on either the continuity in the service by the petitioner or on the applicability of the circular dated October 8, 2003 issued by the Government of West Bengal, Department of Panchayat and Rural Department.

Thus, the writ petition, being WPA 6901 of 2021 stands disposed of. However, there shall be no order as to costs.

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

(Shampa Sarkar, J.)