

02. 15.03.2022
Ct. No.06
Tanmoy

**M.A.T. 589 of 2021
With
IA No: C.A.N. 1 of 2021**

**Sri Nikhil Chandra Mahato
-Versus-
The State of West Bengal & Ors.**

Mr. Siva Prasad Ghosh, Adv.

...for the appellant.

Mr. Manas Kundu, Adv.,
Md. Mansoor Alam, Adv.

...for the State.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

Supplementary affidavit filed on behalf of the State as well as affidavit-in-reply filed on behalf of the appellant be kept with the records.

This appeal is preferred against an order dated March 25, 2021 whereby W.P.A. 2799 of 2021 was dismissed by the learned Single Judge.

The case with which the appellant approached the learned Single Judge is that the appellant discharged duty as Village Level Entrepreneur (in short, 'VLE') between July, 2015 and May, 2018 and even thereafter. However, after June, 2015, he has not received his remuneration. He prayed for an order on the authorities to disburse his remuneration.

The learned Judge noted an order dated June 16, 2020, passed by the concerned District Magistrate pursuant to an order dated November 7, 2019, passed by a learned Single Judge in W.P. 12302 (W) of 2019 whereby, the learned Judge had directed the concerned District Magistrate to revisit the writ petitioner's claim regarding non-payment of remuneration. The District Magistrate, after consulting all relevant documents, came to a clear finding that the writ petitioner did not render any service after June, 2015 and hence, no question of he being entitled to receive any remuneration would arise. The District Magistrate recorded in his order that the concerned Block Development Officer, the Executive Assistant, the current *Pradhan* and the erstwhile *Pradhan*, who were enjoying the chair at the material point of time, all of them have clearly stated that the writ petitioner did not discharge any duty as VLE since July, 2015. The District Magistrate rejected the writ petitioner's claim. The learned Judge held that there is nothing to show that the District Magistrate's findings are perverse. In any event, such disputed questions of fact cannot be adjudicated in the Writ jurisdiction. The learned Judge left it open for the writ petitioner to approach a civil forum.

We have heard learned Counsel for the parties and we have gone through the relevant documents on

record also. We are in complete agreement with the learned Single Judge. There is nothing on record to show that the District Magistrate's order suffers from any material irregularity or perversity. It is well-known that the Writ Court does not function as a Court of Appeal and is not concerned with the merits of a decision. The Writ Court is concerned with the decision making process, rather than the decision.

In the present case, we find no irregularity or infirmity in the decision making process. It will be open to the writ petitioner/appellant to ventilate his grievance and make his claim for alleged unpaid remuneration before the appropriate civil forum. If such claim is made, the same shall be decided by that forum without being influenced by anything stated in this order or in the order of the learned Single Judge, impugned before us.

The appeal being M.A.T. 589 of 2021 and the connected application being IA No: C.A.N. 1 of 2021 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties upon compliance with all usual formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)