

20.06.2022
Ct. 5
D/L 9
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WPA 10498 of 2022

Bandana Mandal & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Ramashish Mukherjee,
Mr. Kushal Das,
Ms. Rajyashree Mukherjee,
Ms. Arpita Das

... for the petitioners

Mr. Swapan Kumar Datta,
Mr. Pradyot Kr. Das,

... for the State

The grievance of the petitioners is a Notification from the State Government dated 7th March, 2022 for engagement of workers in the Sericulture Industry. The ten petitioners before this Court claim to have been engaged by the said Industry from 1st February, 2017 on the basis of letters. The petitioners' case is that the impugned Notification requires a minimum educational qualification, which the petitioners do not have and hence the petitioners were unable to apply for the work.

According to the learned counsel for the State, the petitioners were engaged purely on temporary basis and point (5) of the impugned Notification gives weightage to those who have acquired training in that field.

Upon considering the documents, it appears that the petitioners were engaged on temporary basis on 1st February, 2017 for one year and the engagement was extended every year, according to the learned counsel for the petitioners. The records show that the petitioners have received some sort of training in the particular skills for the Sericulture Industry. The impugned Notification dated 7th March, 2022 requires a basic degree of Madhyamik for which the petitioners were disqualified from participating in the recruitment process in terms of the said Notification. It appears from the impugned Notification that the window for making application was from 8th March, 2022 to 22nd March, 2022.

However, considering that the petitioners have been engaged by the State from 2017 and have also received training for the same, the State respondents are directed to consider the case of the petitioners sympathetically. The Court also notes that the petitioners are illiterate persons and may have missed the impugned Notification at the relevant point of time.

The writ petition is accordingly disposed of with a direction on the State respondents to consider the representations made by the petitioners within four weeks from date, subject to the petitioners putting in deficit court fees by 21st June, 2022 by 4.30 p.m. The State should consider all the relevant facts including

whether the petitioners' engagement was extended after 2018 and dispose of the same within the timeframe as fixed above.

WPA 10498 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)