

S/L 35
07.09.2022
Court. No. 19
GB

W.P.A. 13273 of 2021

Ramgopal Mukherjee
VS
The State of West Bengal & Ors.

*Mr. Falguni Bandyopadhyay,
Ms. Sreetama Neogi,
Ms. Riya Ballav.*

...for the Petitioner.

*Mr. Jahar Lal De,
Mr. Amrita Lal Chatterjee.*

...for the State.

The affidavit of service filed in Court today, be kept with the records.

The petitioner claims regularization of his service in the Purulia Zilla Parishad. Such claim is on the basis of a notification dated October 3, 2003, issued by the Secretary to the Government of West Bengal, dated October 8, 2003.

Mr. De, learned Additional Government Pleader denies the claims of the petitioner. According to Mr. De, the petitioner does not fulfill the eligibility criteria as per the notification dated October 3, 2003 for various reasons:-

- a) The petitioner did not complete continuous three years service during the preceding five years from the cutoff date; i.e. March 13. 1996.
- b) The eligibility criteria of the petitioner is not on record.
- c) Considerable vacancy is not available.
- d) Whether the payment of wages had been made from the own fund of the concerned Zilla Parishad is also not on record.

e) The length of service rendered and the date of appointment of the petitioner, is also not on record and is disputed.

It appears from the said notification that those persons, who were in three years continuous service during the preceding five year to March 13, 1996, were eligible to be considered, provided that the other eligibility criteria were also satisfied. Such eligibility criteria has been set out under Clauses i to xiii of the said notification.

The petitioner has not been able to produce any document to show the date of his engagement and that he was in continuous three years service as per the requirement under the notification. These disputed questions of facts cannot be decided by this Court.

Thus, the writ petition is disposed of with a direction upon the Executive Officer, Purulia Zilla Parishad to consider and dispose of the representation of the petitioner dated November 13, 2020 being Annexure-P/12 to the writ petition, in accordance with law. The petitioner shall be heard and allowed to produce documents in support of his contention. A reasoned order shall be passed and intimated to the petitioner. If the petitioner's contentions are found to be correct, necessary steps shall be taken in accordance with law. If the petitioner's claim cannot be allowed, reasons shall be disclosed in the order.

This Court has not gone into the merits of the claims and counter-claims of the parties.

A copy of the writ petition along with a server copy of this order shall be served upon the Executive Officer, Purulia Zilla Parishad, for his compliance.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)