

08.09.2022
Court No. 19
Item no.24
CP

W.P.A. No. 14032 of 2021

Labanya Kumar Saha

Vs.

The State of West Bengal & Ors.

Mr. Probal Sarkar

...for the petitioner.

Mr. Pradip Kumar Roy

Mr. Anand Farmania

...for the State.

The petitioner has challenged the order dated December 27, 2019 passed by the Chief Medical Officer of Health, Murshidabad. By the said order, the application of the petitioner dated August 13, 2018 was considered and rejected. By the said order, the pradhan, Saralpur Gram Panchayat was also instructed to conduct an enquiry with regard to the issuance of certificates to the petitioner which were found to be fabricated. Liberty was further granted to the pradhan to take legal action against all persons including the conspirators involved in the incident.

The petitioner had moved this court by filing WP No. 351(W) of 2019, praying for regularization. The petitioner made such claim on the strength of certificates issued by the Pradhan, interalia, showing that the petitioner had completed continuous 240

days of work as DDT spray worker, under Saralpur Gram Panchayat.

The petitioner claimed to have worked between June 22, 2015 to June 21, 2016 and June 27, 2016 to July 1, 2018, with some gaps in between. This court directed the Chief Medical Officer of Health to consider the grievance of the petitioner, by disposing of the representation dated August 13, 2018 filed by the petitioner.

The Chief Medical Officer of Health, Murshidabad heard the petitioner and passed a reasoned order.

It appears that during the hearing, all documents were submitted by the petitioner. Such documents were also verified from the office records of the Deputy CMOH-II, Murshidabad, the District Nodal Officer of Malaria Contral Programme and also from the Pradhan of Saralpur Gram Panchayat.

It appears that areas for Malaria IRS were selected by the Deputy CMOH-II of the district as per the guidelines of the National Vector Borne Disease Control Programme. DDT was supplied by the Government of India, free of cost. The gram panchayat authorities did not have any scope to purchase DDT and to conduct the DDT spray programme to control the malaria.

Records reveal that DDT spray for malaria control was not conducted for 240 days for the years 2015-2016, 2016-2017 and 2017-2018 under Saralpur Gram Panchayat. The issue registers of the Saralpur Gram Panchayat was consulted and it was found that no official certificate had been given in favour of the petitioner. The signature of the pradhan was found to be fabricated and there were interpolations.

Thus, the prayer of the petitioner for regularization was rejected. The pradhan of Saralpur Gram Panchayat has been directed to make an enquiry and take legal action in respect of such fabricated documents, against the petitioner.

Under such circumstances, when there is a finding that the certificates were not issued by the Saralpur Gram Panchayat and the work was not authorized by the Deputy CMOH-II of the district to Saralpur Gram Panchayat for engagement of DDT spray workers, this court declines from interfering with the order passed by the Chief Medical Officer of Health, Murshidabad. They are factual findings based on records.

The fact remains that engagement of DDT spray workers had never been authorized by the government. Saralpur Gram Panchayat had not

engaged the petitioner. The records do not reveal that any certificate had been issued to the petitioner.

For the purpose of disposal of this writ petition, and claim for regularization, findings of the Chief Medical Officer of Health are well-reasoned and based on records. Even if it is proved that the documents were not fabricated, the fact still remains undisputed that the work of DDT spray which was allegedly done by the petitioner, had not been authorized either by the gram panchayat or by competent authority.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)