

16.09.2022
Ct. no.21
Sl. No.12
Sanjay

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16233 of 2021

Ganesh Bhagat
Vs.
The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay,
Ms. Lipita Chatterjee,
Mr. Soumik Deyfor the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly ... for the State respondents.

Ms. Ujjaini Chatterjee
...for the respondent Nos. 4 to 7.

In this writ petition, the petitioner who is a “Dom” in the conservancy section of the Dhuliyani Municipality wants consideration of his representation dated July 13, 2021. The writ petitioner is aggrieved by the appointment of the private respondent no.8 in the post of “Dom”.

An application under Right to Information Act, 2005 was made by the petitioner whereby the petitioner had specifically enquired whether the private respondent was appointed pursuant to any selection process.

The reply by the municipal authorities dated April 22, 2022 vide Memo No. 236/DM is brought on record by the writ petitioner by way of supplementary affidavit filed in Court today. Let such supplementary affidavit be retained with the records.

From the reply dated April 22, 2022 it appears that no answer was given to the aforesaid inquiry of the writ petitioner.

Mr. Basu Mallick, learned counsel appears on behalf of the State and submits that the representation dated July 13, 2021 made to the S.D.O., Jangipur, Murshidabad has already been forwarded to the concerned municipality for necessary action. As such, there can be no grievance of the writ petitioner as against the State of West Bengal today.

Ms. Chatterjee, learned counsel appears on behalf of the respondent Nos. 4 to 7/Municipality and argues that a selection process has been followed prior to appointment of the private respondent no. 8. She also placed on record the West Bengal Municipal Employees' (Recruitment) Rules, 2005 to show that the appointment of the private respondent has been made as per the prevailing rules.

Having considered the rival submissions and the materials placed on record, this Court is of the view that since a query of the writ petitioner has not been addressed to in the reply dated April 22, 2022 by the Municipal authorities, the representation of the writ petitioner dated July 13, 2021 should be considered by the Executive Officer and SPIO, Dhulian Municipality/the respondent No. 5. A reasoned order be passed within ten weeks from date and such

reasoned order should be communicated to the writ petitioner within two weeks from the date of passing of the order.

Since no affidavits have been called for in the instant writ petition all the allegations made therein are deemed not to have been admitted by the respondents.

With the aforesaid directions, the writ petition being **WPA 16233 of 2021** is **disposed of**.

There will be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)