

S/L 1
31.10.2022
Court. No. 19
sn

W.P.A.12244 of 2016

Smt. Parul Howly (Bowliya)
VS
The State of West Bengal & Ors.

Mr. Abhijit Pal

... for the Petitioner

Mr. Nibaran kr. Das

..for the respdt.2

Let the affidavit of service be taken on record.

This writ petition has been filed challenging inaction of the Block Development Officer, Sandeshkhali-I, North 24 Parganas. The allegation is that the said authority failed to appoint the petitioner, despite an order of this Court.

The petitioner relies on an order dated April 26, 2013 and submits that a co-ordinate Bench of this Court had directed the engagement of the petitioner as a Sahayika and further directed that the past experience of the petitioner should be considered by the authorities.

Today, the petitioner argues that in spite of such order, no steps were taken by the authorities to appoint the petitioner as a Sahayika. It is further submitted by him that the authorities ought to have engaged the petitioner as a Sahayika in any Sishu Siksha Kendra, considering her past experience.

This writ petition is based on a claim which has not yet arisen.

WP 10921(W) of 2013 had been filed by the petitioner on the ground that the contract of the petitioner as a Sahayika had not been renewed by the authorities after 2005, although her services were utilized up to 2007.

The petitioner had prayed for an order directing her engagement as a Sahayika. The prayer of the petitioner had been declined by the authorities.

In view of the government order dated January 1, 2010 and in view of the policy decision contained in government order dated April 23, 2010, this Court found that the process of recruitment of a Sahayika had undergone a change and as such no order could be passed. The relevant portion of the order is quoted below:-

“Heard learned advocates for the parties. Since I find that the process of recruitment regarding Sahayika has undergone a change and a committee is to be set up for recruitment in view of the G.O. dated 23rd April, 2010, no order can be passed on the writ petition. The writ petition is disposed of. However, if advertisement is published by the authorities seeking applications to the post of Sahayika, the petitioner is at liberty to apply and in that event, the application of the petitioner will be considered in accordance with law. I hope and trust that the authorities while considering the application of the petitioner shall consider her previous experience”.

However, the co-ordinate bench observed that in case any fresh advertisement was published seeking applications for appointment to the post of Sahayika, the petitioner would be at liberty to apply and the

application of the petitioner would be considered in accordance with law. The past experience of the petitioner was also directed to be considered.

In this case, the petitioner has not been able to show that there had been an advertisement inviting applications for engagement to the post of Sahayika and that the petitioner had applied pursuant to such advertisement, but had not been considered.

This Court does not find that there is any cause of action in moving this writ petition.

It is not a case that although a co-ordinate Bench of this Court had given liberty to the petitioner to apply pursuant to any advertisement for engagement to the post of Sahayika, the application of the petitioner was not considered in accordance with law. This is not a case where the petitioner has been able to show that the earlier order of this court had not been complied with by the authority.

Under such circumstances, this writ petition is disposed of without any orders.

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.)