

14.9.2022
Sl.No.58
sn

WPA 16585 of 2021

Avishek Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty
Mr. Kashinath Bhattacharyya
Mr. Ashok Halder
..for the petitioner
Mr. Jahar Lal De
Mr. Abdus Salam ..for the State

Let the supplementary affidavit of service be taken on record.

The petitioner alleges that the Child Development Project Officer, Harishchandrapur-I ICDS Project, has indirectly debarred the petitioner from continuing as a Data Entry Operator, in his office.

It is submitted that the authorities are trying to initiate a recruitment process for engagement of Data Entry Operators. The petitioner apprehends that by such process the petitioner will be rendered unemployed. The petitioner relies on an attendance sheet to show that the petitioner has been continuing to work.

Mr. De, learned advocate for the State respondents submits that the engagement of the petitioner was for the period December 2017 to February 2018. He relies on a recruitment letter dated November 29, 2017. Mr. De further submits that after 2020, no documents have been annexed to

the writ petition indicating that the petitioner even put his signature on the attendance sheet. Mr. De, denies the validity of the sheets annexed to the writ petition.

Heard the learned advocates for the respective parties.

It appears that the last engagement letter was issued to the petitioner on January 6, 2021 and the petitioner was allowed to continue at least up to March 20, 2021. The attendance register up to August 20, 2021 has been annexed which forms a part of the writ petition. However, this Court is not in a position to ascertain the correctness of such staff attendance register.

It appears that the Director of ICDS, West Bengal had asked the District Programme Officers to file an undertaking to the effect that no recruitment letter had been issued to the individual persons for digitization work, either on contractual or daily rated basis and no payment had been made to individual persons, in this regard. Thus such communication apparently contradicts the petitioner's claim of continuing as a Data Entry Operator.

The Additional District Magistrate (Development) and In-charge of ICDS, Malda also issued a similar direction upon the Child

Development Project Officer, Harishchandrapur-I,
ICDS Project, Malda.

Under such circumstances, this writ petition is disposed of with a direction upon the petitioner to approach the Additional District Magistrate(Dev)- In charge of ICDS, Malda with his grievances.

The petitioner shall be permitted to rely on all the documents and notifications in support of his contentions. A hearing shall be given to all interested parties including the Project Officer, ICDS Project, Malda or his representative.

The writ court cannot go in to the disputed questions of facts which have arisen in this regard. The claims and counter claims of the parties are not gone into. The writ court also cannot stop the authority from taking a decision to initiate the recruitment process, in accordance with law.

A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)