

12. 30.08.2022
BD Ct.15

W.P.A. 13636 of 2010

Sajeda Sabnam

-vs-

The State of West Bengal & Ors.

Mr. Tapas Kumar Bhattacharya

Mr. Abhiroop Bhattacharya

... for the petitioner.

Matter relates to appointment in the post of 3rd Sahayika in a Sishu Shiksha Kendra in the district of Malda. Petitioner has prayed for her continuation as 3rd Sahayika in the concerned Sishu Shiksha Kendra based on the agreement which has been made by the petitioner and the concerned respondent authorities on 2nd May, 2008.

The grievance of the petitioner is that she worked as Sahayika against the third post in the concerned Sishu Shiksha Kendra in the year 2008-2009 but ignoring her right of continuation against the third post of Sahayika the respondent authorities appointed another candidate being the respondent no. 11 in the third post of Sahayika in the concerned Sishu Shiksha Kendra.

This Court has heard learned advocate representing the petitioner and has also made an endeavour to find out the right of the petitioner to continue as third Sahayika in the said Sishu Shiksha Kendra. No appointment letter has been produced before this Court conferring right upon the petitioner to work on a substantive post against the third Sahayika save and except two agreements

dated 1st January, 2008 and 2nd May, 2008 whereby the petitioner was permitted to function as Sahayika till 30th April, 2009. In view of the contents of those two agreements which are annexed to this writ petition it does not appear that any enforceable right has been established in favour of the petitioner warranting issuance of mandamus in order to protect the service of the petitioner against the third post of Sahayika in the concerned Sishu Shiksha Kendra. Petitioner worked in 2008-2009 based on the aforesaid two agreements and the term of the petitioner ended on 30th April, 2009 in terms of the second agreement dated 2nd May, 2008. Therefore this Court does not find any flaw if the concerned respondent authorities have appointed the respondent no. 11 in the post of Sahayika after 30th April, 2009 following the recruitment procedure prevalent at the material point of time.

Accordingly, the writ petition does not merit consideration and the same stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)