

14.01.2022
Court No. 19
Item no.19
(gc)

WPA 18344 of 2021

**Sonu Harijan
Vs.
The State of West Bengal & ors.**

Mr. Samarendra Nath Biswas, Adv.,
.....for the petitioner.
Mr. Manas Kumar Kundu, Adv.,
Mr. Debabrata Mandal, Adv.,
...for the State.
Mr. U.A. Dewan, Adv.,
Mr. A. Dewan, Adv.,

The petitioner has claimed regularization to the post of NS Cleaner in which the petitioner has been allegedly working since 2017.

The petitioner was not appointed through a selection process. The appointment of the petitioner was a private arrangement between the Municipality and the petitioner. Thus, the petitioner does not have any legal right to be permanently appointed in the post of NS Cleaner. Moreover, it appears that the Municipality does not have a provision for compassionate appointment. Thus, the prayers of the petitioner cannot be granted at this stage. However, if the Municipality decides to fill up the said post in accordance with law, then the petitioner shall be allowed an opportunity to participate in the selection process upon condonation of the age bar, if

the petitioner is otherwise eligible and has been continuously working in the post of NS Cleaner since 2017 till the date when such recruitment process is held.

This order shall not be construed as an observation either on the right of the petitioner to be appointed or allowed to participate in the recruitment process, unless the other eligibility criteria are met.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)