

Ml- 05.12.2022
12 Ct.15
rkd

W.P.A. 17325 of 2018
(IA NO: CAN 1/2019 (Old No: CAN 12240/2019))

Ram Balak Yadav alias Ram Balak Prasad Yadav
-vs-
The State of West Bengal & Ors.

Mr. Ranjit Kumar Ray,
Mr. Krishna Deo Das

....for the petitioner.

The writ petition is taken up for consideration in presence of the learned advocate representing the petitioner. However, no one is representing the respondents.

The grievance voiced on behalf of the petitioner is failure on the part of the respondent authorities in regularising his service as Group-D staff of the school in question in spite of the fact that petitioner was engaged as Darwan on and from 2nd July, 1982. In support of such submission the certificate issued by the Headmistress of the school in question dated 14th July, 2010 has been relied upon wherein it has been stated that the petitioner is working as an unapproved Group-D staff from 5th July, 1982. Therefore relying upon this document it has been submitted on behalf of the petitioner that it is a fit case for directing the concerned State respondents as well as the School

Authority to regularise the service of the petitioner.

This Court has heard the learned advocate representing the petitioner and perused the relevant materials available on record.

On query being made to the learned advocate of the petitioner whether any formal appointment letter was issued to the petitioner, this Court does not get any satisfactory answer. Accordingly, it appears that petitioner is unable to produce any appointment letter in support of his engagement as Group-D staff of the concerned school with effect from 2nd July, 1982.

In addition thereto, it appears that the Director of School Education, West Bengal, vide memo dated 12th September, 2011 passed an order whereby prayer of the petitioner for regularisation was spurned on the ground that he was not engaged against sanctioned vacancy on following the relevant recruitment rules.

It further appears that such decision of the Director of School Education, West Bengal, dated 12th September, 2011 is not assailed in this writ petition.

Considering the aforesaid facts and the contents of the decision of the Director of School Education, West Bengal, dated 12th September,

2011 it appears that petitioner was not appointed against any sanctioned post upon following the recruitment rules prevalent at the material point of time. Therefore, petitioner does not have any enforceable right which can be protected by issuing mandamus.

In this regard, reliance has been placed on the judgment of the Hon'ble Apex Court delivered in the case of Secretary, State of Karnataka & Ors. – vs- Uma Devi (3) & Ors. reported in 2006 Vol. 4 SCC 1.

Accordingly, this Court does not find any merit in the writ petition and the same stands dismissed.

Application, if any pending, also stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)