

19.09.2022
Sl. No.31(DL)
srm

W.P.A. No. 19250 of 2021

Smt. Nayantara Bhowmick

Vs.

The State of West Bengal & Ors.

Mr. Satyajit Mondal,
Mr. Amit Bikram Mahata

....for the Petitioner.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The petitioner has twofold allegations. First, that the petitioner's application for the post of Angwanwadi helper which was allegedly filed pursuant to a notification issued by the Child Development Officer, Mathurapur-II (ICDS Project), District-24-Parganas (South) dated March 2, 2020 had not been considered. Secondly, although the petitioner was discharging her duties as an Anganwadi helper in a Sishu Siksha Kendra under Kumarpara Gram Panchayat, her remuneration had not been paid.

It is stated that the service of the petitioner was utilized by the concerned Sishu Siksha Kendra after her mother-in-law expired.

This Court is not in a position to ascertain the correctness of the statements made by the petitioner.

Whether there was a private arrangement between the petitioner and the Sishu Siksha Kendra on the basis of which the service of the petitioner was utilized, is a matter to be looked into and decided on records. Whether the Child Development Project Officer, Mathurapur-II (ICDS Project) had permitted the petitioner to render her service is also a matter of record. Thus, the question of remuneration cannot be decided in this proceeding. Moreover, the question as to whether the petitioner was eligible for engagement as per the notification annexed to the writ petition and whether any process for selection had been initiated on the basis of such notification is also not available. No formal application is available on record.

Under such circumstances, the petitioner is granted liberty to approach the Child Development Project Officer, Mathurapur-II (ICDS Project) by filing an elaborate and specific representation. If such representation is filed, the same shall be decided and disposed of in accordance with law, upon hearing the petitioner, the Pradhan of Kumarpara Gram Panchayat as also a representative of the concerned Sishu Siksha Kendra, where the petitioner was allegedly rendering her service after the demise of her mother-in-law. All the issues, which have been raised, can be raised in the representation and shall be decided,

independently. A reasoned order shall be passed and communicated to the petitioner. This order shall not be construed as an acceptance of the contentions of the petitioner.

The entire exercise shall be completed within a period of three months from the date of receipt of the petitioner's representation.

The writ petition is, thus, disposed of.

As no affidavits have been called for, all allegations against the respondents are deemed to be denied.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)