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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 19930 of 2021

Sabir Sheikh
Vs.

The State of West Bengal & ors.

Mr. Debajyoti Deb
... For the petitioner

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha
.... For the State

Mr. Ayan Mitra
... for the respondent no.5

The petitioner was engaged as a Block Level Facilitator in Canning-I Block, District South 24-Parganas for one year on contractual basis. The petitioner joined the assignment on 10th March, 2014. The petitioner's engagement was thereafter either giving fresh contractual appointment on the expiry of the period of the previous one or his contractual appointment being renewed, the petitioner continued for more than five years on continuous basis. The petitioner says that the last renewal took place as per the recommendation of the Block Development Officer made on 14th February, 2020. The petitioner says that all on a sudden on 9th July, 2021 the petitioner was issued a show cause by the Additional District Magistrate (Minority), South 24-Parganas. The petitioner replied to the show cause on 14th July, 2021 but the same was not accepted and the District Magistrate, South 24-Parganas by his letter dated 16th

July, 2021 communicated to the petitioner that his engagement has been terminated with effect from 16th July, 2021 due to violation of terms and conditions mentioned in the appointment letter. The petitioner also alleges violation of principle of natural justice while issuing the termination notice, inasmuch as, he was not given any personal hearing.

Be that as it may, there is no scope of passing any mandatory order in the matter keeping in mind the nature of engagement of the petitioner.

However, I direct the District Magistrate, South 24-Parganas to consider the petitioner's representation dated 28th October, 2021, appearing at pages 27 and 28 of the writ petition. The District Magistrate, South 24-Parganas is the respondent no.2 in the writ petition and as such, is represented by the advocate representing the State of West Bengal, the respondent no.1. The respondent no.2 shall consider the petitioner's representation dated 28th October, 2021 and dispose of the same by a reasoned order within a period of three months from the date of communication of server copy of this order after affording the petitioner a reasonable opportunity to represent his case observing the prevailing covid-19 protocol. The reasoned order that may be passed shall be communicated within a period of ten days from the date of passing of the same. The District Magistrate shall be free to decide on the representation without being

influenced in any manner by any observation made in this order since I have not gone into the merits of the petitioner's claim.

Nothing further remains to be adjudicated in this writ petition. The writ petition is, accordingly, disposed of without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)