

Sl. No.82
03.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20647 of 2021

Begam Saheba
versus
The State of West Bengal & Ors.

Mr. Golam Karim Chowdhury
... for the Petitioner

Mr. Susanta Pal
Ms. Ananya Neogi
... for the State

Mr. Md. Sarwar Jahan
Mrs. Mousumi Mitra
Mr. Maidul Islam Kayal
... for the respondent nos.2 & 3

The petitioner claiming to be the Sahayika of a Sishu Siksha Sahayak prays for release of her service benefit since October, 2005 till the date of her superannuation from service.

Fact remains that the petitioner was engaged as first Sahayika in the Sishu Siksha Kendra in the year 2000. Up to April, 2005 she continued as Sahayika and was remunerated regularly. Her contract was not renewed as Sahayika of the said Sishu Siksha Kendra after April, 2005. The petitioner never challenged the non-renewal of her service.

On 22nd September, 2008 the Sishu Siksha Kendra published a notice inviting application for engagement as third Sahayika. The petitioner

participated in the selection process and being successful an appointment letter was issued in her favour on 28th September, 2008.

The petitioner claims that she served as Sahayika till her superannuation and alleges that she was not paid her remuneration.

The petitioner challenged the action on the part of the respondent authority in not making payment of her remuneration by filing writ petition being AST 1973 of 2011: WP 35 (W) of 2012. The Court directed the District Nodal Officer to consider the prayer of the petitioner and to pass a reasoned order.

On 7th February, 2012 the District Nodal Officer disposed of the representation of the petitioner holding that the petitioner was not eligible for getting benefit as Sahayika on the basis of the resolution adopted by Siksha Sanskriti Tathya-O-Krira Sthayee Samity, Khargram Panchayat Samity.

The reason for being ineligible was that according to the Panchayat and Rural Development Department policy, Sishu Siksha Kendra will be eligible for recruitment of third Sahayika if the student strength of Sishu Siksha Kendra is above eighty.

The Sishu Siksha Kendra where the petitioner was serving did not have student strength above eighty. Accordingly, there was no scope for engagement of third Sahayika.

The petitioner challenged the order passed by the District Nodal Officer in February, 2012 by filing the present writ petition in the year 2022.

In the interregnum there has been a delay of ten years.

From the averments made in the writ petition, it appears that the reason for approaching the Court at such a delayed point of time is not properly explained.

It appears that the petitioner simply slept over her right for a considerable period of time. At this stage, it will not be proper to enter into the merit of the order that was passed by the District Nodal Officer way back in February, 2012.

The Court is not inclined to exercise jurisdiction in this matter.

The writ petition accordingly fails and is hereby dismissed.

Affidavit of service filed in Court is kept with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)