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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 21103 of 2021

Mampi Bhattacharjee
Vs.
The State of West Bengal & ors.

Mr. Rajib Kr. Acharyya
... For the petitioner

Ms. Chaitali Bhattacharyya
... For the State

By an order dated 3rd August, 2021 the following
direction was given :-

“ The Director, River Research Institute at Mohanpur, Haringhata, Nadia, being the respondent no.2 shall dispose of the petitioner’s representations annexed to the writ petition after affording the petitioner a reasonable opportunity of hearing following the existing COVID-19 protocol by passing a reasoned order within a period of eight weeks from date. The said Director shall first decide whether the petitioner’s father was a State Government employee or an employee of an undertaking of the State Government. After deciding this issue the said respondent no.2 shall consider the petitioner’s application on merit if it is found that the petitioner’s father was an employee of an undertaking of the State Government. If on consideration on merits the respondent no.2 finds that the petitioner is entitled to compassionate appointment in terms of the existing policy of the concerned department/institution, shall register the petitioner’s name and other details in the roster maintained for applicants being considered for compassionate

appointment. In the event the Director finds on considering the petitioner's prayer on merit that the petitioner is not eligible, he shall in details give the reasons in his order."

The Director, River Research Institute, Department of Irrigation and Waterways Department, Government of West Bengal, has passed a reasoned order on 16th September, 2021, which is under challenge in this writ petition. On the first issue, the said Director has come to the finding that the father of the petitioner was an employee of the State Government since he worked in a purely Government institution fully owned and managed by the Government of West Bengal. The Director has thereafter decided the other issues contained in the petitioner's representation.

It is submitted on behalf of the State-respondent that the petitioner cannot challenge the reasoned order before this Court inasmuch as, the petitioner's father was a State Government employee.

The petitioner, in response, says that since the Director has decided the matter in terms of the order passed by this Court, this Court is competent to receive, try and determine the writ petition.

After hearing the parties and considering the materials on record, I find that the preliminary issue which fell for consideration in terms of the order dated 3rd August, 2021 was whether the petitioner's father was a

State Government or not. Once it has been found that the petitioner's father is a State Government employee, the petitioner has to ventilate all her grievances before the West Bengal Administrative Tribunal in view of the provisions of the Administrative Tribunal Act, 1985.

The writ petition, therefore, is dismissed as withdrawn giving the petitioner the opportunity to challenge the order dated 16th September, 2021 passed by the Director, River Research Institute, Department of Irrigation and Waterways Department, Government of West Bengal before the West Bengal Administrative Tribunal.

The time spent between 22nd December, 2021 being the date of filing of the writ petition and till today, that is, the date of passing of the instant order, shall be construed to have been spent in prosecuting the matter before a Court without having jurisdiction.

Nothing further remains to be adjudicated in this writ petition.

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

(Arindam Mukherjee, J.)