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Ct. No.21
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26810 of 2022

Smt. Ananya Singha Ray @
Ananya Sarker @ Ananya Sarkar
Vs.
The Secretary, Department of Electricity & Ors.

Mr. Asim Hati
Ms. Nandini Sharma
... For the petitioner

Mr. Ranjay De
Mr. B. Banerjee
... For the respondent nos.2 to 4

Mr. Arjun Ray Mukherjee
Ms. Debapriya Mitra
... For the State

Affidavit of service filed in Court today be retained with the record.

The petitioner claims that there has been no response by the authorities concerned to her demand of justice dated November 4, 2022. The petitioner is the wife of a land loser whose land has been acquisitioned sometime in the year 2003-2004 for Sagar Dighi Thermal Power Project. The petitioner prays for employment in the Land Loser Category. The Land Loser Certificate was issued on February 21, 2011 in favour of the petitioner's husband. The petitioner registered her name for employment in the National Employment Exchange on February 21, 2011 and in the State Employment Exchange on December 12, 2016.

Mr. Asim Hati, learned counsel appearing on behalf of the petitioner submits that the demand justice issued on behalf of the petitioner has not yet been considered till date by the concerned authorities. The petitioner made several communications with the concerned respondents but no reply has been given to such representations.

He prays for consideration of the representations made by the petitioner.

Mr. Ranjay De, learned counsel appearing on behalf of the respondent nos.2 to 4 submits that the Office Memorandum dated October 17, 1977 relied on by the petitioner and also the Office Memorandum dated January 25, 1978 have been subsequently superseded vide Notification nos.301 and 303 dated August 21, 2002 issued by the Labour Department, Government of West Bengal. He submits that the District Magistrate/ the respondent no.5 is the concerned authority who will forward the list of eligible persons to the Directorate of Employment, West Bengal and advice the enlisted persons to enroll their names in the Exempted Category Cell of the Directorate of Employment, West Bengal, by producing supporting papers and list of eligible persons in the category of Land Loser that is already prepared and maintained by the District Magistrate. The aforesaid notifications have been issued in supersession of all the

circulars/executive orders issued from time to time by the Labour Department, Government of West Bengal, relating to the employment of the persons in the exempted category. Therefore, there is no cause of action maintainable by the petitioner as on date as the petitioner's name will be considered chronologically once vacancy arises for recruitment in the State Government establishments, establishments of public undertaking, statutory bodies, Government companies and local bodies.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the name of the petitioner was registered with the State Employment Exchange on December 7, 2016 under Exempted Category. The relevant employment exchange for recruitment of the petitioner is the State Employment Exchange and not the National Employment Exchange.

The petitioner has to wait her turn to be considered for employment. The petitioner also has not been able to show that there are several communications made on her behalf to the concerned respondents praying for consideration of her case for appointment from 2011 till November 4, 2022. The petitioner has made a representation by way of a demand justice on November 4, 2022, eleven years after Land Loser Certificate was issued in her favour. Even though the

petitioner has instructed her advocate that several communications have been made to the office of the respondent authorities on behalf of the petitioner, this Court finds no such communication on record.

This Court also finds that the Memorandums dated October 17, 1977 and January 25, 1978 have been superseded by the notifications dated August 21, 2002 referred to hereinabove. The case of the petitioner has to be considered in terms of the Labour Department's Employment Notification nos.301 and 303 of August 21, 2002. Pursuant to the said notifications, the petitioner's name has already been registered with the employment exchange. The petitioner has to wait her turn for recruitment. No legal right of the petitioner has been violated by the respondent nos.2 to 4/the authority concerned.

In the light of the discussions above, the writ petition, being **WPA 26810 of 2022**, is **dismissed** without any order as to costs.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the authorities.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Lapita Banerji, J.)