

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI**

28.11.2022  
Sl. No.12(DL)  
srm

**W.P.A. No. 2877 of 2022**

**Shyamal Roy & Ors.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Nabankur Paul

...for the Petitioners.

Mr. Bikramaditya Ghosh,  
Ms. Bedashruti Bose

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioners claim the benefit of a scheme floated by the State of West Bengal dated October 6, 2020.

The government had decided to grant employment to one member from the family of a person who was killed in a ‘human-animal’ conflict. On the basis of such scheme, jobs were given to many individuals who had lost their kin in attacks by elephants.

In the first phase, 434 people from 11 districts were absorbed as home guards. The petitioners also applied under the said scheme for similar benefits.

The Principal Secretary, Government of West Bengal, Department of Forest, had prepared a list on November 4, 2020 and submitted the same before the Additional Chief Secretary to the Government of West Bengal, Home Department, for consideration of the case of appointment of the enlisted persons. These enlisted persons had all lost a kin in the human-wild life conflict between 2015 to 2020. The names of the petitioners appeared in the said list. A list of eligible candidates was published on November 20, 2020 by the OSD & Ex-officio Additional Secretary, Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch.

Referring to the list, the learned Advocate for the petitioners contends that under serial No.10 for the district of Jalpaiguri, the names of the petitioners appeared.

The petitioners allege that despite having been enlisted and considered eligible for appointment as per the scheme, no steps have yet been taken by the authority. The petitioners allege discrimination and cite the cases of 434 people who had suffered similar fate and who had been granted appointment by the government.

This Court is not required to go into disputed questions of fact, but if the petitioners were found eligible as

per the scheme and they had been enlisted, they should be granted appointment in terms of their serial numbers just like the other 434 persons. Similarly situated persons should be treated equally. There cannot be any discrimination in case of implementation of a uniform policy. Moreover, when the scheme is for the benefit of the family of a person who lost his life in a 'human-animal' conflict, which is a frequent accident in forest areas, the case of the petitioners should be treated in the same manner as has been done in the past.

Under such circumstances, the writ petition is disposed of with a direction upon the Additional Chief Secretary to the Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch to treat the writ petition as the representation of the petitioners and dispose of the same in accordance with law.

A hearing shall be given to the learned Advocate for petitioners or their authorized representative. The authority may also hear the Chief Conservator of Forest or any other authority for ascertainment of facts. The authenticity of the list and the claim of the petitioners shall also be verified before any order is passed.

A reasoned order shall be passed and communicated to all. If there are impediments towards employing the

petitioners as per the scheme, such reasons shall be disclosed.

The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

This order shall not be construed as a direction upon the authority to skip the seriality or the order in which the names of the petitioners have been enlisted. If they are found to be eligible for appointment under the scheme, they shall be granted the appointment by maintaining their serial number.

A copy of the writ petition along with a server copy of this order be served upon the Additional Chief Secretary to the Government of West Bengal, Home & Hill Affairs Department, Police Establishment Branch.

The writ petition is, thus, disposed of.

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.)**