

M/L 19
06.02.2023
Court. No. 19
GB

W.P.A. 747 of 2023

Ranu Das
VS
The State of West Bengal & Ors.

Ms. Rita Patra

...for the Petitioner.

*Mr. Susanta Pal,
Mr. Prabir Kumar Ray*

...for the State.

*Mr. Indradip Das,
Mr. Pritam Majumder*

...for the Respondent Nos.4 & 5.

The petitioner has challenged an order dated May 18, 2022 passed by the Block Development Officer, Ramnagar-I Development Block. Such order was passed pursuant to the direction of this Court dated March 28, 2022 passed in WPA 18428 of 2021.

The petitioner was appointed to do the menial work of cleaning the office of Padima-II gram panchayat by a resolution of the gram panchayat. Admittedly, the engagement was private in nature and without any approval from the higher authorities. No recruitment process had been initiated. The engagement was not against any vacancy. This fact has also been recorded in the order of this Court dated March 28, 2022. The engagement of the petitioner by way of a private arrangement continued upto February 2021. The petitioner fell ill. The authorities discontinued with the petitioner as the petitioner was irregular. Such resolution of the panchayat was placed before this Court when WPA 18428 of 2021 was heard.

The members of the gram panchayat, from their own pocket used to pay a minimum remuneration to the petitioner for doing some menial work in the office of the gram panchayat. As the petitioner became incapable and irregular on account of her illness, another person, namely, Mamata Das was engaged by way a resolution of the gram panchayat.

The Block Development Officer upon hearing the parties came to the conclusion that the petitioner's engagement was also done in the same manner in which the respondent no.6 has now been engaged. The petitioner's mother who was engaged prior to the petitioner, had fallen ill and the petitioner was engaged in her place. Thereafter, the petitioner fell sick and became irregular. The respondent no.6 was engaged. The Block Development Officer held that a private arrangement could not be interfered with.

The petitioner's engagement was not as a casual daily rated worker or as a temporary worker in the panchayat office. The members of the panchayat got together and personally engaged the petitioner to do some sweeping and moping. They paid the petitioner from their own pocket. The engagement was not against any sanctioned post.

No further deliberation of this issue is required. The petitioner never had a vested right to claim that her daughter should be engaged in her place, instead of the respondent no.6. This is not a public employment. The authorities had not engaged the petitioner for discharge of any official duties against any sanctioned post. The petitioner was heard by the

Block Development Officer. If the members of the gram panchayat by a resolution had privately arranged to engage a person to clean the office and paid the remuneration from their own pockets, the writ Court cannot interfere and issue a mandamus upon the members of the gram panchayat. Such action of the gram panchayat is totally beyond the scope of judicial review. The authorities did not act in discharge of their official duty. The petitioner had neither acquired any legal right nor any vested right for such engagement. Such engagement was also not heritable that the petitioner could insist that her daughter be taken in her place. It was up to the desire of the gram panchayat members whether or not to engage the petitioner's daughter in a private capacity for sweeping the office.

Thus, the writ Court does not deem it fit to entertain the writ petition.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)