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7.2.2023
S.D.

W.P.A. 853 of 2023

Asraful Mandal & Ors.

Vs.

The State of West Bengal & Ors.

Ms. Sreyanshi Majumdar

... For the Petitioners

Ms. Tuli Sinha

... For the State

The petitioners claim to be engaged as Block Level Supervisors for Vector Borne Diseases under various Blocks in the district 24 Parganas (South). Pursuant to an advertisement dated June 25, 2018, a Supervisor was to be engaged for a period of 16 days in a month from July 2018 to December 2018. A Supervisor would be entitled to an honorarium of Rs.150/- per day for the days of engagement.

The said engagement was on daily rated wages for work and only for a period of 16 days per month. Thereafter, the engagements of the petitioners were extended from time to time till April 20, 2022.

Ms. Majumder, learned counsel appearing on behalf of the petitioners submits that despite the requirement of Block Level Supervisors for Vector Borne Disease Control, the

petitioners were being disengaged without any valid reason. She relies on a document dated July 11, 2022 issued by the Block Development Officer (BDO), Joynagar-II, 24 Parganas (South) in support of her contentions that requirements for engagement of Block Level Supervisors were still valid and subsisting.

Ms. Sinha, learned counsel appearing on behalf of the State respondents submits that every Block has different requirement for engagement of BLS for Vector Borne Disease Control. The requirement of only one Block cannot be held to be the requirement of all other Blocks. Furthermore, the requirement of July 11, 2022 cannot be relied upon in January 2023 (when the writ petition has been filed) to show that the requirement of BLS is still continuing even in respect of Joynagar Block.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the engagements of the petitioners have been purely contractual on a daily rated basis. The said engagement is completely dependent on the necessity to engage Supervisors for management and control of Vector Borne Diseases.

There is no allegation as to some candidates were being discriminated favourably by continuance of their engagement

against the petitioners in the same Block. The petitioners have not brought on record the requirements of engagement of BLS in all the blocks to which they belong, at a current date. The requirement of BLS in Joynagar Block in July 2022 cannot be held to be a requirement for all other Blocks and that too in the month of January 2023.

In the circumstances, this Court holds that there is no violation of any legal right of the petitioner.

W.P.A. 853 of 2023 is dismissed.

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

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

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

(Lapita Banerji, J.)

