

S/L 26
18.01.2023
Court. No. 19
GB

W.P.A. 918 of 2023

Sri Brajen Gharai
VS
The State of West Bengal & Ors.

Mr. Tarun Kr. Das,
Mr. Hari Pada Nayak

...for the Petitioner.

Mr. Raja Saha,
Mr. S.P. Lahiri.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner claims that despite a request by the Sabhadhipati, Purba Medinipur Zilla Parishad to the Executive Engineer (Civil), Public Health Engineering Department, Tamluk, Purba Medinipur, the petitioner was not engaged as a temporary 'Valve Operator' on contractual basis in Murisahi Water Supply Scheme within Contai-III panchayat samiti. The petitioner submits that the said order was never carried out. Further prayer was made before the Sabhadhipati, Purba Medinipur Zilla Parishad for giving effect to the earlier recommendation.

The Court cannot pass any mandatory orders for the following reasons:-

- a) Whether the Murisahi Water Supply Scheme is still in force or not, is not available from the pleadings and records.
- b) The petitioner has not been able to satisfy the Court that the scheme continues.

- c) What transpired between 2016 till date, is not available.
- d) Whether at the relevant point of time the petitioner had made himself available for such contractual appointment, is not on record.
- e) Whether the petitioner was not found eligible or there were other reasons for not engaging him is also not available in the records.

Thus, the writ petition is disposed of with a direction upon the Sabhadhipati, Purba Medinipur Zilla Parishad to dispose of the representation of the petitioner which is Annexure P/2 at Page 12 of the writ petition and intimate the petitioner whether his request can be looked into or not. A reasoned order shall be passed and communicated. If the prayer of the petitioner is turned down, adequate reasons shall be assigned.

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

This Court has not gone into the merits of the allegations and this order shall not be construed as an opinion of the Court on the right of the petitioner to be appointed on contractual basis.

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 learned advocate's communication and server copy of this order.

(Shampa Sarkar, J.)