

18-12-2023
ct no. 13
Sl. 24
sp

WPA 3500 of 2023

Sahabuddin Sheikh
-Versus-

The State of West Bengal & Ors.

**Ms. Mousumi Bhowal,
Mr. Anirban Saha**

..for the petitioner

**Mr. Priyankar Saha,
Mr. Amritalal Chatterjee**

...for the State

1. The petitioner challenges the order dated September 15, 2023 passed pursuant to directions of this Court on July 9, 2021 in WPA 11004 of 2021 (Sahabuddin Sheikh & Anr. Vs. The State of West Bengal & Ors.).
2. The petitioner claims to have been working as recommended by the West Bengal Health and Family Welfare Samity. Based on the recommendation, the CMOH, Nadia addressed a letter to the Superintendent District Hospital Nadia approving the engagement of Sahabuddin Sheikh in the Thalassemia Control Unit, Krishnanagar, Nadia. A list of medial officers and staff has been indicated on July 19, 2011 to the Executive Director of the Samity who is also

the State Nodal Officer, by the Superintendent District Hospital, Nadia, Krishnanagar enlisting the petitioner's name.

3. By a further communication dated February 5, 2013, the Superintendent District Hospital, Nadia also addressed a further letter to the CMOH, Krishnanagar indicating a sanctioned staff strength and current vacancies at the Thalassemia Control Unit, Nadia which included the name of the petitioner.
4. It appears from the impugned order that the petitioner was not entitled to the benefit of the circular no. 9008-F(P) dated 16.09.2011 as they were not engaged for more than 10 years as on August 1, 2011.
5. The petitioner claims that since the CMOH, Nadia and the Superintendent District Hospital, Nadia have engaged them and have called them part of the sanctioned strength, they are entitled to the benefits of the circular dated September 15, 2011.
6. Even assuming for the sake of the argument that the petitioner is casual worker, and strict recruitment rules may not have been followed, they could have been entitled to the benefit of the circular dated September

15, 2011 if they have completed 10 years of service as on date.

7. Admittedly, the petitioner joined as a daily wage worker in the Group -D post on February 11, 2010. He would not therefore, be entitled to the benefit of the circular dated September 11, 2011.
8. This Court finds no infirmity in the impugned order. Hence, WPA 3500 of 2023 shall stand dismissed.
9. There shall be no order as to costs.
10. Written instructions submitted by the State is kept with the record.
11. Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities

(Rajasekhar Mantha, J.)