

Item No.3
22.03.2023
Court. No. 19
GB

WPA 3788 of 2023

Sayantal Pal
Vs
The State of West Bengal & Ors.

*Mr. Chandi Charan Ray,
Mr. Manaranjan Jana*

...for the Petitioner.

*Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha*

...for the State.

*Mr. Santimay Bhattacharya,
Mr. Ziaul Haque,
Mr. Himadri Kr. Mahata*

...for the Respondent No.5.

*Mr. Sukanta Das,
Mr. Snehasis Jana*

...for the Respondent No.7.

The effort of the police authorities is appreciated. The Pradhan, Smt. Sonali Gorai is present before the Court and does not have any explanation as to why she did not comply with the directions of the superior authorities. However, the learned advocate for the Pradhan undertakes that immediate steps shall be taken for issuance of the letter of appointment.

The Pradhan of Kusumpur Gram Panchayat shall issue appointment letter immediately to the petitioner. The appointment is to the post of a part time homoeopathy doctor under the said gram panchayat. This Court had directed the Joint Secretary to the Panchayats and Rural Development Department to take a decision as to whether the selection of the petitioner by the gram panchayat had been in accordance with law or not. The Special Secretary to the Government of West Bengal, Department of Panchayats

and Rural Development on the basis of the submissions made by the parties passed the following orders:-

“In view of the above noted facts and circumstances and after careful consideration of the entire matter in detail, I am of the opinion that in the instant case, the selection of the petitioner Dr. Sayantan Pal at Kusumpur GP, Keshiary Block, Paschim Medinipur district was made in accordance with law. The claim of the present Pradhan is not sustainable at all as the Ex-Pradhan recommended the candidate to the higher authority for approval which was rightly certified the selection process. It also appears from the mark sheet submitted by the concerned Zilla Parishad at the time of recommendation to this office, that Dr. Sayantan Pal secured the highest marks. Hence, I accept the prayer of the petitioner for engagement after due consideration for the reasons mentioned above and to direct the Pradhan, Kusumpur Gram Panchayat to appoint the petitioner, Dr. Sayantan Pal within 7(Seven) days from the date of receipt of this order.

The matter is thus disposed of.

The solemn Order, dated 14.09.2022, passed by the Hon'ble Justice Shampa Sarkar in W.P.A. No.16030 of 2021 (Sri Sayantan Pal Vs The State of West Bengal & Ors.) is thus complied with.

Let a copy of this order be communicated to all concerned including the petitioner.”

Despite such order, the present Pradhan did not take any steps to issue the letter of engagement. The Block Development Officer also wrote to the Pradhan to immediately take steps for engagement of the petitioner as per the direction of the Special Secretary, yet the Pradhan did not comply. The recalcitrant and arrogant attitude of the Pradhan is displayed in her intentional delay in issuing the letter.

A compliance report shall be submitted before the learned Registrar General, High Court at Calcutta indicating that the appointment letter had been issued to the petitioner within March 23, 2023. The petitioner shall appear before the Pradhan on March 23, 2023 at 12 noon to take physical delivery of the letter of engagement. The compliance report of the Pradhan shall reach the learned Registrar General within a period of one week from date.

The Pradhan is permitted to leave the court premises with a caution.

The Block Development Officer shall ensure that the petitioner is not disturbed by the Pradhan or the members of the gram panchayat when he starts discharging his duty in the panchayat office.

Accordingly the writ petition is disposed of.

Personal appearance of the Pradhan is dispensed with.

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.)