

Item-76. 12-07-2023

sg Ct. 8

MAT 226 of 2016
[CAN 2084 of 2016]

Usha Rani Gain (Biswas)
Versus
The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar, Adv.
...for the appellant

Md. Sarwar Jahan, Adv.
Mr. Maidul Islam Nayak, Adv.
Mr. Shabaz Noor Thamder, Adv.
...for the respondent no.9

The petitioner was appointed as 4th Sahayeka of Dakshin Khargachi Shishu Siksha Kendra on 12th May, 2002 and she was engaged till April, 2006. The petitioner obtained study leave in the meantime so as to enable her to appear in the Madhyamik Examination. The petitioner alleged that she was not engaged thereafter. It appears that she made representations on 2nd May, 2006 before the Secretary of School and Member of the Panchayat Samity complaining that she was refused to join her service. The instant writ petition was filed in the year 2013.

The learned Counsel for the appellant submits that her service should have been regularised in terms of the Scheme introduced in the year 2010 as she was engaged as 4th Sahayeka of the School on and from 12th May, 2002.

We are unable to accept the said submission. Her engagement was contractual and was for a period of four years. There is nothing on record to show that the said contract was renewed thereafter. In fact, the writ petitioner waited till the Scheme was introduced on 23rd April, 2010 and filed the writ application to avail such benefit on a plea that her engagement

continued or ought to have been continued after 30th March, 2006.

In absence of any document to show that her contract was renewed and she was engaged as 4th Sahayeka prior to introduction of the Scheme without any break, we are not inclined to interfere with the order passed by the learned Single Judge.

The appeal stands dismissed. However, there shall be no order as to costs.

In view of the dismissal of the appeal, the application being CAN 2084 of 2016 also stands dismissed.

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

(Uday Kumar, J.)

(Soumen Sen, J.)