

2.05.2023
DL-7
S.D.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5451 of 2023

Yearlatib Molla & Ors
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Md. Kutubuddin
Ms. Anita Shaw
Ms. Taniya Khatun (Saha)
....for the petitioners.

Affidavit of service filed in Court today is retained with the records.

When the matter is taken up for hearing yesterday, Mr. Hossain represented the State respondents.

The petitioners claim to be contractually engaged pursuant to a notification dated January 11, 2019 issued by the Commissioner, Department of Food & Supplies, Government of West Bengal. The petitioners were engaged as Paddy Purchase Personnel (PPPs) on purely contractual basis on and from January 1, 2019 or their actual date of joining till April 30, 2019. The candidates who were eligible to apply were unemployed youths, 'Yuvasree' beneficiaries, self-help group members and MGNREGA job workers at centralised procurement centres/district purchase

camps. The petitioners performed their jobs from their date of appointment till April, 2019. Thereafter, the petitioners were disengaged due to expiry of the period of their contractual term.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioners submits that since the job of the PPPs are perennial in nature they should have been engaged continuously. The work of PPPs included verification of documents of farmers, entering purchase data, preparation of muster rolls etc.

He submits that an earlier writ petition being W.P.A. No. 4692 of 2021 was moved by the petitioners. A Coordinate Bench of this Hon'ble Court by an order dated March 5, 2021 directed, the prayer of the petitioners to be considered. The said consideration had to be done in terms of an order dated February 6, 2021 whereby certain benefits were extended by the Registrar for Food and Supply Department, Government of West Bengal to the persons employed on contractual basis. Pursuant to the said order, a hearing was given to the petitioners and a reasoned order was passed on November 24, 2022. The said reasoned order is impugned in the present writ petition.

By the impugned order dated November 24, 2022, the Director, DDPS held that the Notification dated February 5, 2019 was meant for IT Personnel only and the petitioners do not come under the purview of the said Notification. The said position has been clarified by an order dated July 15, 2021 in respect of a previous Notification dated October 16, 2020.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioner were appointed on purely contractual basis for a few months in the year 2019. Thereafter, the engagement of the petitioner were terminated due to efflux of time. The petitioners have no legal right to be continuously engaged as PPPs after being engaged for a few months in 2019 pursuant to a temporary scheme. The scheme itself was temporary in nature and the petitioners were engaged till such time the scheme was in force. The petitioners were not disengaged during the continuation of the scheme.

In the light of the discussions hereinabove, this Court is of the view that the petitioners do not have a legal right which they can claim to be violated by the State respondents.

In such circumstances, **WPA 5451 of 2023** is **dismissed**.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

(Lapita Banerji, J.)