

Item-35. 23-08-2023

FMA 578 of 2022
CAN 1 of 2022

sg Ct. 8

Sakia Khatun
Versus
The State of West Bengal & Ors.

Mr. Rabindra Mahato, Adv.

Mr. Masud Mallik, Adv.

...for the appellant

Mr. Amal Kr. Sen, Ld. A.G.P.

Mr. Jaladhi Das, Adv.

...for the State

1. The affidavit of service filed in Court is taken on record.
2. The appeal is directed against the order dated 10th December, 2021. The writ petitioner claimed to be a Group-D staff. She was appointed temporarily in Contai Rahmania High Madrasah (in short the 'said Madrasah') with effect from 20th February, 2002. The writ petitioner, in support of his appointment, relied upon a certificate dated 30th March, 2013 in order to demonstrate that the writ petitioner is working as a casual worker with effect from 20th February, 2002. In the writ petition the petitioner has prayed for approval of his appointment as Group-D employee in the said school.
3. In our view, the learned Single Judge was justified in dismissing the writ petition on the consideration that the writ petitioner is appointed on casual basis and accordingly, she cannot have a legally enforceable right for a writ of mandamus being issued for extending the benefit of approval. It appears that there was an advertisement issued by the said Madrasah on 4th October, 2015 for filling up two posts of Group-D staff which were lying vacant in the said

Madrasah.

4. If it is assumed for the time being that the petitioner was appointed on 20th February, 2002 and it was not approved that she would be entitled to participate in the selection process pursuant to the advertisement dated 4th October, 2015. It does not appear that the writ petitioner made an application before the Madrasah Authority for offering her candidature in the selection process and, therefore, the question of extending opportunity to the writ petitioner to participate in the selection process for appointment in the post of Group-D does not arise.
5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The appeal and the connected application stand dismissed.
However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)