

06 10.10.2023
rkd Ct.15

W.P.A. 4291 of 2015

Nilkanta Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Ashok Kumar Jha,
Ms. Mouomita Mondal

....for the petitioner.

In the writ petition petitioner has prayed for grant of approval of appointment as Panchayat Karmee in Raniganj-I Gram Panchayat under Gazole Block, District-Malda.

The learned advocate representing the petitioner relies upon an engagement letter issued by the Prodhan of Raniganj-I Gram Panchayat on 29th November, 1996 which is annexed at page 17 of the writ petition and it has been submitted that petitioner worked in terms of the said appointment letter for a considerable period of time. By this time petitioner ought to have been engaged on substantive basis and grant of approval should have been accorded in favour of the petitioner by the concerned respondent authorities.

Today no one appears for the respondents.

Having perused the engagement letter dated 29th November, 1996 it appears that petitioner was appointed as a casual employee in Raniganj-I Gram Panchayat. It has not been demonstrated before

this Court that such appointment was against any sanctioned vacancy and while engaging the petitioner the procedure which was in vogue was followed. Therefore, it appears that no right is accrued in favour of the petitioner which could have made him entitled to be appointed and approved in the post of Panchayat Karmee. Therefore, no writ of mandamus can be issued to protect the right of the petitioner.

In this regard reliance is place on the judgment of the Hon'ble Apex Court delivered in the case of Secretary, State of Karnataka & Ors. -vs- Uma Devi (3) & Ors., reported in 2006 Vol. 4 SCC 1.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)