

25.01.2023
Court No. 19
Item 426
CP

W.P.A. No. 6228 of 2022
Dr. Somnath Chattopadhyay

Vs.

The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. A. K. Chattopadhyay
Mr. H. S. Paik

.....for the petitioner.

Ms. Sima Adhikari
Ms. Kakali Naskar

....for the State.

Mr. Suman Basu

....for the respondent no. 5.

The Executive Officer, Haripal Panchayat Samiti wrote to the Karmadhakhya/Secretary, Janaswasthya O Paribesh Sthayee Samiti and pointed out certain discrepancies in the proposal of the Haripal Ashutosh Gram Panchayat to engage the petitioner as a part-time homoeopathic doctor in the said gram panchayat. The discrepancies as mentioned in the said letter, are as follows:-

- i) Though there were 12 applicants who had offered their candidature in response to the Memo no. HAGP/499/16 dt. 10.12.2016, yet no panel had been prepared by the concerned gram panchayat.
- ii) By a resolution dt. 29. 12. 16 the Haripal Ashutosh Gram Panchayat had found Sri Somnath Chattopadhyay to be eligible for the post, but no reasons had been assigned or recorded in the minutes of the meeting dt. 29. 12. 2016 inter alia stating why the others were found ineligible.

- iii) From the documents, the basis for selection of Sri Somnath Chattopadhyay could not be ascertained.
- iv) The gram panchayat had selected Sri Somnath Chattopadhyay without preparing any panel. Why Sri Somnath Chattopadhyay was ahead of the other candidates in order of merit, had not been disclosed.
- v) The resolution dated 29.12.2016 did not mention whether any interview of the candidates or any evaluation of marks had been made.
- vi) The concerned gram panchayat had forwarded the documents recommending the name of Sri Somnath Chattopadhyay directly to the Hooghly Zilla Parishad in violation of Memo No. H/AUH/379/3-H-270/851 dated 23rd May, 1988. Subsequently, the gram panchayat forwarded the documents to the panchayat samity.
- vii) The recommendation of the concerned gram panchayat did not reflect any assurance to provide accommodation, medicine and contingencies for the dispensary, in terms of the aforesaid Memo No. H/AUH/379/3-H-270/851 dated 23rd May, 1988.

It appears that the Janaswasthya O Paribesh Sthayee Samiti did not reply to the said letter of the Executive Officer, Haripal Panchayat Samiti dated August 2, 2021. No steps have been taken to communicate the fate of such recommendation of the gram panchayat.

Admittedly, no selection process was initiated. No interview was held. The reasons as to why other participants were not found to be eligible had not been disclosed by the concerned gram panchayat. Only a resolution was adopted and the petitioner was recommended by the gram panchayat. The

recommendation was contrary to the procedure to be adopted for selection of part-time homoeopathic doctor, according to the Executive Officer.

In view of the aforementioned findings of the Executive Officer, Haripal Panchayat Samiti, no mandatory direction for engagement of the petitioner, can be passed.

The writ petition is disposed of with a direction upon the Karmadhakhya/Secretary, Janaswasthya O Paribesh Sthayee Samiti of Haripal Panchayat Samiti, to communicate to the petitioner, the reasons as to why the recommendation of the Ashutosh Gram Panchayat had not been given any effect to. Such intimation shall reach the petitioner within a period of eight weeks from the date of communication of this order.

The Executive Officer of the panchayat samiti is requested to ensure that the order of this court is complied with by the Karmadhakhya/Secretary, Janaswasthya O Paribesh Sthayee Samiti.

Accordingly, the writ petition is disposed of.

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.)