

W.P.A. 5646 of 2011

**Sampa Chakraborty
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Sk. Imtiaj Uddin
...for the petitioner

Mr. Rahul Das
...for the respondent no. 7

Ms. Jhuma Chakraborty
Mr. Suddhadev Adak
...for the State

Supplementary affidavit has been filed on behalf of the petitioner which is taken on record.

In the supplementary affidavit order of the Block Development Officer, Kulpi, South 24 Parganas dated 28th September, 2010 is under challenge and the said order has been communicated to one Shibani Banerjee vide memo dated 24th January, 2011 issued by the same Block Development Officer and it has been submitted by the learned advocate representing the petitioner that wrongly the said memo dated 24th January, 2011 has been referred to in prayer (a) of the writ petition. It has further been submitted that the decision of the Block Development Officer dated 28th September, 2010 has been questioned since according to the petitioner viz. Sampa Chakraborty, she was selected for the post of third Sahayika in Sapmara SSK, District-South 24

Parganas pursuant to the notice issued by the Secretary of the aforesaid SSK in consultation with the academic supervisor on 3rd August, 2009. It is contended that since the petitioner was selected for the post of third Sahayika by this time she should have been appointed and failure on the part of the respondents to appoint the petitioner triggered the present writ petition.

State-respondents and respondent no. 7 are represented by learned advocates.

On behalf of respondent no. 7 order dated 29th November, 2011 passed on the writ petition being WPA 3808 of 2011 (Shibani Banerjee Vs. State of West Bengal & Ors.) is placed before this Court and on perusal of the same it appears that findings of the concerned Block Development Officer at the bottom of the order dated 28th September, 2010 under Clause-ii that appointment of Sampa Chakraborty as third Sahayika of the aforesaid SSK was cancelled, has not been interfered with. However, due to lack of reasoning findings made by the said Block Development Officer in the order dated 28th September, 2010 relating to cancellation of selection of one Shibani Banerjee and direction upon the concerned authority to appoint third Sahayika by initiating selection process afresh were set aside.

Relying upon this order dated 29th November, 2011 it has been submitted on behalf of respondent no. 7 that the coordinate Bench by passing order dated 29th

November, 2011 found that the findings of the Block Development Officer as contained in Clause-ii relating to selection of Sampa Chakraborty is not erroneous.

Having considered the submissions made on behalf of parties and on perusal of the impugned order of the Block Development Officer dated 28th September, 2010 as well as the order dated 29th November, 2011 passed by the coordinate Bench it appears that the present writ petition centers around selection of Sampa Chakraborty as third Sahayika in the aforesaid SSK. It has been found on scrutiny by the concerned Block Development Officer the notice for selection which was issued by the Secretary of the said SSK dated 3rd August, 2009 was defective since the same was not forwarded to the concerned panchayat samiti which offends Government Order dated 27th October, 2006. It was also found by the concerned Block Development Officer that the petitioner in the present writ petition was the only candidate who participated in the selection process and no other candidates applied for the said post and age of the petitioner was below 40 years who was residing outside the Sansad in which the aforesaid SSK situates. It is also recorded in the order that there were eligible candidates having age above 40 years residing in the Sansad area but due to lack of notice those candidates could not participate in the selection process for appointment of third Sahayika. In view of these findings the concerned

Block Development Officer vide order dated 28th September, 2010 found that selection of the petitioner was not in accordance with law and accordingly set aside the selection of the petitioner as third Sahayika. It has further been submitted by the learned advocates representing the parties today that at present in terms of the relevant provisions appointment of third Sahayika/Sahayika is not permissible.

In aforesaid conspectus this Court does not find any merit in the writ petition and the same stands dismissed.

The order of the coordinate Bench dated 29th November, 2011 passed on the writ petition being WPA 3808 of 2011 and the supplementary affidavit filed on behalf of the petitioner are taken on record.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)