

ML 810
17.03.2023
Court. No. 19
GB

WPA 10515 of 2017

Kartick Samanta
Vs
The State of West Bengal & Ors.

<i>Mr. Asok Kumar Ganguly</i>	<i>...for the Petitioner.</i>
<i>Mr. Sutanu Chakraborti</i>	<i>...for the State.</i>
<i>Mr. Uttam Kr. Bhattacharya</i>	<i>...for the Respondent No.5.</i>
<i>Ms. Iti Dutta, Mrs. Priti Jain</i>	<i>...for the Respondent No.8.</i>

The writ petition is directed against non-consideration of the candidature of the petitioner as a ‘Valve Operator’ by the Tamluk Division of the Public Health Engineering Directorate. Thus, the allegations against the panchayat authorities cannot be entertained. Secondly, the petitioner prays for consideration of his candidature on the basis of a recommendation which was made allegedly by the Pradhan of Mysore Gram Panchayat. Such recommendation was made on a piece of paper with the caption “Purba Medinipur Zilla Parishad”. No letterhead either of the Zilla Parishad or of the gram panchayat had been used.

It appears that Kartick Samanta was recommended for temporary engagement as a ‘Valve Operator’ under a particular scheme sometime in 2015 by the Pradhan, a member of the gram panchayat and also the Savapati of the Panskura-1 Panchayat Samiti.

The learned advocate for the Purba Medinipur Zilla Parishad vehemently urges the Court to disregard the said recommendation on the ground that the same was neither authorized by the Zilla Parishad nor genuine. In the affidavit-in-opposition, a similar stand has been taken by the Zilla Parishad.

It appears that the Savapati, Panskura-1 Panchayat Samiti had recommended on July 22, 2015 and he had signed his name as L.J. (Hazra). The Court finds it strange that a Savapati of the panchayat samiti could have signed his name in such a manner.

The Zilla Parishad submits that the recommendation which appears at Page-20 was made inadvertently on the basis of the document which is at Page-19 of the writ petition, but later it was discovered that the document at Page-19 was wholly unauthorized.

In any event, a recommendation does not create any right in favour of the petitioner. The recommendation was for engagement in a particular scheme. The engagement was made by the Public Health Engineering Department, Tamluk. Neither the Pradhan nor the panchayat samiti nor the Zilla Parishad were authorized to engage the petitioner. The respondent no.8 had already been engaged and is allegedly continuing.

Under such circumstances, no order can be passed directing either Zilla Parishad or the panchayat authorities to act on the basis of the recommendation, as the engagement was to be done by the Public Health Engineering Directorate.

The petitioner is at liberty to approach the Public Health Engineering Directorate in accordance with law. If the petitioner approaches the authority, the issue shall be decided in accordance with law.

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.)