

24. 29.08.2023
bd. Ct.15

W.P.A. 11887 of 2018

Sumanta Kumar Nag

-vs-

The State of West Bengal & Ors.

Mr. A.R. Sanyal ... for the petitioner.

Mr. Jahar Dutta

Mr.Parikshit Goswami ... for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

At the time of hearing of this writ petition accommodation has been prayed for on behalf of petitioner on the ground of the learned advocate and same is negated since the writ petition was taken up for consideration on 25th July, 2023 when accommodation was prayed for on behalf of the petitioner and same was granted and matter was fixed for hearing subsequently. Again matter was taken up for consideration on 1st August, 2023 in presence of the learned advocate for the petitioner. Thereafter lastly matter was heard on 8th August, 2023 when again time was prayed for to file affidavit of service and the same was granted thereby fixing the matter on 22nd August, 2023. Today the matter is taken up for final consideration when again time has been prayed for on behalf of the petitioner. However, State respondents are represented by learned advocates.

Having heard the learned advocate representing the State respondents as well as on perusal of records it appears petitioner was appointed on contractual basis as Data Entry

Operator in Rampurhat Sub-Divisional Office, Birbhum, for a period of one year with effect from 24th December, 2014. Aforesaid engagement of the petitioner is corroborated from memo dated 15th January, 2015 issued by the Project Officer-cum-District Welfare Officer, Backward Classes Welfare, Birbhum, which is at page 34 of the writ petition. It appears from the order dated 21st September, 2017 passed on a writ petition being WPA 22829 of 2017 which was filed by the petitioner herein that engagement of the petitioner as Data Entry Operator was extended from time to time and ultimately it was extended for the period from 1st April, 2017 to 31st March, 2018. However, while petitioner was working as Data Entry Operator a notice was issued dated 24th August, 2017 by the Project Officer-cum-District Welfare Officer, Backward Classes Welfare, Birbhum, initiating a selection process for filling up vacant posts of Data Entry Operator in the district of Birbhum. On disposing of the said writ petition being WPA 22829 of 2017 a coordinate Bench permitted the concerned respondent authorities to proceed with the selection process for engagement of Data Entry Operator in the district of Birbhum excepting the post of Data Entry Operator in Rampurhat Sub-Divisional Office where petitioner was working as Data Entry Operator. By giving necessary direction the coordinate Bench ensured the payment of remuneration to the petitioner till 31st March, 2018. Thereafter, Sub-Divisional Officer, Rampurhat vide memo dated 8th March, 2018 terminated contractual service of the petitioner after expiry of the period of extension on 31st March, 2018 which

is at page 40 of the writ petition.

Question arises for consideration whether right accrues in favour of the petitioner to claim extension of his engagement as Data Entry Operator beyond 31st March, 2018. In order to find answer to this query this Court is required to consider the engagement letter of the petitioner dated 15th January, 2015 wherefrom it appears that this is purely a temporary engagement on a year to year basis and ultimately on expiry of the last extension on 31st March, 2018 service of the petitioner has been discontinued as it has also been stated in paragraph 5 (v) of the affidavit-in-opposition affirmed on behalf of State respondents.

In view of nature of engagement of the petitioner as Data Entry Operator it appears that no enforceable right has been accrued in favour of the petitioner which can entitle the petitioner to claim permanency in service and also warranting issuance of mandamus as claimed in this writ petition. In this regard reliance has been placed on the judgment reported in **(2006) 4 SCC 1 (Secretary, Karnataka and Ors. -vs- Umadevi & Ors.)**.

Accordingly, the writ petition stands dismissed. However, 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.)

