33. 10.04.2023
bd. Ct.15

W.P.A. 13091 of 2018

Megnad Bauri
-vs-
The State of West Bengal & Ors.

Mr. Majnu Sk.
... for the petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
... for the State

This writ petition is presented, inter alia, praying for approval of appointment in the post of Group-D in Pandit Raghunath Murmu Abasik School, District- Burdwan, (hereinafter referred to as "said school").

In support of such contention it has been submitted on behalf of the petitioner that he was appointed vide appointment letter dated 11th September, 2006 which is at page 17 of the writ petition and based on such appointment letter after recognition of the said school as X class high school from the sessions 2007-2008 petitioner's appointment was required to be approved by the concerned State respondents.

Learned advocate for the State respondents has opposed the prayer of the petitioner and it has been submitted that the very engagement letter dated 11th September, 2006 goes to show that the petitioner was appointed on contractual basis against the post which was not sanctioned for

which a consolidated salary of Rs. 1000/- was paid to the petitioner per month. It has been submitted on this engagement letter that no right is accrued in favour of the petitioner.

Having considered the submissions made on behalf of the respective parties it appears that petitioner was engaged on contractual basis against the post which was not sanctioned by the State respondents as Group-D staff against consolidated salary of Rs. 1000/- per month. Since the petitioner was not appointed in terms of the relevant recruitment rules which was in vogue at the material point of time no right accrues in favour of the petitioner. At attempt has been made on behalf of the petitioner to make out a case that petitioner was an organising Group-D staff and on recognition of the said school as X class high school with effect from 2007-2008 service of the petitioner should have been approved as an organising staff. However, on perusal of the records and after considering the submissions made on behalf of the petitioner it does not appear that petitioner was appointed as an organising Group-D staff of the said school nor his name was included in the report of the District Level Inspection Team (DLIT).

In above conspectus it appears that no enforceable right is accrued in favour of the petitioner warranting issuance of mandamus in order to protect such right. In this regard reliance is placed on the judgment of the Apex Court reported in **(2006) 4 SCC 1 (The State of Karnataka –vs- Uma Devi & Ors.).**

This Court does not find merit in the writ petition 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.)