

16.03.2023
DL-86
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14321 of 2022

Paritosh Halder & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
Mr. Dipankar Das

....for the petitioners.

Ms. Priyali Sengupta,
Ms. Soumi Guha Thakurta

.....for the State.

Mr. Praloy Bhattacharya

....for Union of India.

The petitioners herein claim to have been engaged from time to time as civic volunteers. They claim to be trained as per the National Disaster Response Force guidelines. Some documents have been annexed in the writ petition to show that two of the ten writ petitioners being petitioner nos.1 and 3 have been engaged from time to time since 2015 onwards but not for a period of more than 14 days at a stretch and on rotational basis. The petitioners have not been able to show any document after 2019 to show such sporadic engagement in respect of the said two petitioners. On March 26, 2020 the petitioner no.4 was engaged for a period of 19 days. The petitioners challenge the appointment of some of

the candidates vide deployment order dated May 12, 2022. The candidates whose names appeared under serial nos.3, 5, 6, 8, 11, 13, 17 and 18, engagement has been challenged.

Mr. Das, learned counsel appearing on behalf of the petitioners submits that despite such candidates not being qualified, they have been engaged.

The petitioners have not made the following candidates parties to the writ petition.

Ms. Sengupta, learned counsel appearing on behalf of the State respondents submits that no violation of the guidelines has been committed in engaging the candidates, vide deployment order dated May 12, 2022.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that the petitioners were engaged only on temporary basis and that too not for a period of more than 14 - 19 days at a stretch on rotational basis. Only two petitioners have been engaged in 2015, 2016, 2017 and 2019. Out of ten only one petitioner was engaged for a period between March 26, 2020 and April 14, 2020 in 2020. The other writ petitioners have not shown their engagement.

This Court is of the view that no legal right of the petitioners has been violated/infringed by the said

State respondents. Therefore, the writ petition is not maintainable. The petitioners were not continuously engaged year after year. As long as the State respondents have engaged candidates from the eligible pool of candidates no arbitrariness or mala fide intention can be imputed to their action.

In the circumstances, **WPA 14321 of 2022** is **dismissed**.

Since no affidavits have been directed to be exchanged, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)