

23-06-2023
Item No. SL.3
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.14890 of 2023
Amaresh Bej & Ors.

-vs-

State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Bikram Banerjee
Mr. Arka Nandi
Mr. Saikat Sutradhar ...for the petitioners

Mr. Lalit Mohan Mahato
Mr. Rudranil De ...for the State

Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee ...for the Commission

The petitioners no.1 and 3 claim to be appointed as contractual whole-time teachers under the Government of West Bengal and the petitioner no.2 is engaged as a lecturer in Electrical Engineering in a Government Polytechnic on contractual basis. The petitioners no.1 and 2 have been appointed to perform the duty of the first polling officer and the petitioner no.3 has been appointed as the presiding officer in the upcoming panchayat elections to be held in 2023.

According to the petitioners, an Hon'ble Division Bench of this court in a public interest litigation delivered a judgement on **June 13, 2023** in **WPA(P) No.250 of 2023 (Sri Dipankar Rit v. State of West Bengal & Ors.)** wherein the court was pleased to direct that if contractual employees are to be deployed, they are to be deployed to undertake work lower than the work assigned to the fourth

polling officer and not assigned any duties above the fourth polling officer.

The petitioners being contractual employees submit that they ought not to have been appointed either as the first polling officer or as the presiding officer. Objection has been raised by the petitioners no.1 and 3 with a prayer for withdrawal from the election duty. The same is pending consideration.

It appears that the petitioner no.2 is yet to file any objection with regard to the election duty.

After hearing submissions on behalf of the respective parties and on consideration of the documents annexed, the present writ petition is disposed of by directing the District Panchayat Election Officer & District Magistrate, South 24 Parganas to take a decision on the representation filed by the petitioners no.1 and 3 seeking withdrawal from the election duty in the light of the direction dated June 13, 2023 passed by the Hon'ble Division Bench in WPA(P) No.250 of 2023.

The petitioner no.2 is at liberty to file his representation before the aforesaid respondent by today itself.

A decision shall be taken in the matter at the earliest, but positively by June 26, 2023.

Till such time the aforesaid respondent takes a decision in the matter, the petitioners will not be required to attend any training as directed.

WPA No.14890 of 2023 is thus disposed of.

All parties to act on the server copy of this order

duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]