

Ml- 24.07.2023
57 Ct.15
rkd

W.P.A. 16001 of 2017

Sri Suman Samanta & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Ms. Maria Rahman,
Ms. Iqra Rahaman

....for the respondent no.4.

The writ petition is taken up for consideration pursuant to the order dated 21st June, 2023 when again accommodation has been prayed for on behalf of the petitioners which this Court has to reject in view of the facts that the writ petition was first taken up for consideration on 17th May, 2023 when no one appeared for the petitioners and the matter was fixed for hearing on 7th June, 2023. Subsequently, on 7th June, 2023 on behalf of the petitioners accommodation was prayed for which was granted and the matter was fixed for hearing on 21st June, 2023 with an observation made in the order dated 7th June, 2023 passed by this Court that no further adjournment shall be granted on the next date.

However, on 21st June, 2023 again the matter was taken up for consideration and accommodation was prayed for on behalf of the petitioners which was allowed thereby fixing the

matter for further consideration on 28th June, 2023 as a last chance. After the order passed on 21st June, 2023 today matter is taken up for consideration when identical prayer for accommodation has been made on behalf of the petitioners.

This Court has heard the learned advocate representing Guskara Municipality.

On hearing the learned advocate representing the Municipality and on perusal of the records it appears that present writ petitioners being the casual workers of Guskara Municipality have jointly prayed for absorption in the sanctioned vacant posts of Group-C and to restrain the respondents from filling up the sanctioned posts lying vacant in Guskara Municipality.

While considering the issue involved in this writ petition attention of this Court has been drawn to the order passed by the coordinate Bench on the writ petition being WPA 5250 of 2014 dated 27th April, 2017 whereby making certain observations the writ petition was disposed of thereby directing the Director of Local Bodies, Government of West Bengal on consideration of comprehensive representation afresh to take decision taking into consideration the observations made by the

coordinate Bench in the order dated 27th April, 2017 relating to claim of the persons to be appointed on substantive basis in different posts under Guskara Municipality.

It has been submitted that pursuant to the order dated 27th April, 2017 order has been passed by the Director of Local Bodies on 29th June, 2017 which has been communicated to the petitioners vide communication dated 30th June, 2017. It has also been submitted that such decision of the Director of Local Bodies dated 29th June, 2017 is assailed in another writ petition filed by the present petitioners being WPA 5821/2018. It has been submitted that said writ petition is still pending.

Having considered the submissions made on behalf of Guskara Municipality and on perusal of the order passed by the coordinate Bench on 21st June, 2017 it appears that while granting interim protection to the petitioners Court proceeded on the premise that without taking any decision pursuant to the order dated 27th April, 2017 passed by the coordinate Bench the respondent authorities proceeded to fill up the posts in question ignoring the fate of the petitioners claiming to be appointed on substantive basis on according approval by the concerned State respondents. However, it appears

that Director of Local Bodies, Government of West Bengal, has taken decision on 29th June, 2017 pursuant to the order passed by the coordinate Bench on 27th April, 2017 and the said decision of the Director of Local Bodies is subject matter of challenge in another writ petition being WPA 5821 of 2018 as submitted by the learned advocate representing Guskara Municipality. Therefore, it appears that the consideration of the coordinate Bench while passing interim order dated 21st June, 2017 that no decision was taken by the Director of Local Bodies pursuant to the order dated 27th April, 2017 no more subsists in view of decision of the Director of Local Bodies dated 29th June, 2017.

Since another writ petition is pending challenging such decision of the Director of Local Bodies dated 29th June, 2017 as discussed hereinabove the present writ petition ought not to be entertained.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual

undertakings.

(Saugata Bhattacharyya, J.)