

38.
9.2.2023
S.D.

W.P.A. 18806 of 2022

**Sri Rajkumar Patra
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Mukherjee
Ms. Jayeeta Mitra (Kondar)
Mr. Bibek Dey

...For the petitioner

Mr. Santanu Kumar Mitra, Ld. Sr. Govt. Adv.,
Mr. Mirza Kamruddin

...For the State

Mr. Sandip Ghosh

...For the Respondent Nos. 8 & 9

The petitioner's case is that a pump house has been constructed/installed on his plot at Mouza – Mukundapur, J.L. 42, Dag No. 881. The petitioner is the owner of the said plot. The petitioner had agreed for installation of the said pump house of Jaladhara Nirman Prakalpa by the Public Health Engineering (PHE) Department of in lieu of the respondent authorities providing a job to his younger son. The said plot was used by the respondents sometime in 2019/2020.

Despite the PHE Department using the said plot, the petitioner's younger son has not been offered a job. Challenging the inaction on the part of the respondent authorities, the petitioner has filed the present writ petition.

Mr. Mukherjee, learned counsel appearing on behalf of the petitioner submits that there is a resolution taken by the Pradhan of Basantipur Gram Panchayat which shows the entitlement of his son to the said job.

Mr. Ghosh, learned counsel appearing on behalf of the Gram Panchayat submits that the said document dated February 9, 2020 stamped by the Pradhan cannot be termed to be an agreement or resolution for the purpose of giving a job to the petitioner's son.

Mr. Mitra, learned senior Government Advocate appears on behalf of the State respondents and hands over his written instructions in Court today.

Mr. Mitra submits as per convention, the Zilla Parishad has recommended another person's name for the post of such appointment/engagement.

From the said written instructions, it appears that the pump house has been constructed in a portion of the petitioner's land.

Let such written instructions be retained with the records.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that since admittedly the pump house has been constructed on a part of

the petitioner's plot, the prayer for appointment/engagement of his son with the PHE Department may be considered by the authorities concerned as per their extant Rules and/or Policies.

This Court is of the view since the petitioner's land has been used by the PHE Department, justice will be sub-served by directing the respondent no. 4/Executive Engineer, PHE Department to consider the representations of the petitioner dated May 17, 2022, June 13, 2022 and June 14, 2022 upon giving a personal hearing to the petitioner within eight weeks from the date of the order. A reasoned order may be passed and be communicated to the petitioner within two weeks of passing thereof.

With the directions aforesaid, **W.P.A. 18806 of 2022** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)

