

23.
08-02-2023
debajyoti
(Ct. no.24)

WPA 24195 of 2022

**Shanta Pal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Gautam Banerjee,
Ms. Chumki Das Bairagya

... For the Petitioners.

Mr. Keshab Chandra Das,
Mr. Biplab Adak

... For the Municipality.

The petitioners, three in number, have filed the present writ petition with a prayer directing Tarakeshwar Municipality to permit them to work as 'Nirmal Sathi' of Tarakeshwar.

Reference has been made to a Notification published by the Department of Urban Development and Municipal Affairs on 26th April, 2022 wherein it has been mentioned that all the urban local bodies be directed to retain the existing trained 'Nirmal Sathis' and not to replace them except under exceptional circumstances.

The petitioners apprehend that the Councilor of the ward may remove them and engage persons of his choice. A representation has been filed by the petitioners before the Executive Officer, Tarakeshwar Municipality in July, 2022. The same is yet to be considered and disposed of.

Learned advocate representing the Municipality submits, upon instructions, that a decision was taken for replacing the petitioners in the meeting of the Board of Councilors held on 29th August, 2022 on the basis of the complaint lodged by the Councilor and a

mass petition submitted by 89 residents of the Municipality that the petitioners were not doing their assigned jobs satisfactorily.

It has further been submitted that one of the petitioners, namely, Santa Paul, is engaged in the work of cooking mid-day meal & NULM and she is not sincere and not performing her duty as Nirmal Sathi. The other petitioner, Purabi Basak is not a permanent resident of Tarakeshwar Municipality. The third petitioner, namely, Animesh Mondal, has written a letter to the Chairman of the Municipality disclosing his intention to withdraw from the present writ petition.

Learned advocate representing the petitioners is not aware of any letter written by Animesh Mondal disclosing his intention to withdraw himself from the writ petition. It has been denied that Purabi Basak is not a permanent resident of Tarakeshwar Municipality. It has been stated that Purabi Basak is a permanent resident of Ward No.8 under Tarakeshwar Municipality.

As regards Santa Pal, it has been submitted that she was engaged previously for making mid-day meal and she got herself engaged as 'Nirmal Sathi' after tendering her resignation from the work of cooking mid-day meal. If presently she is dis-engaged from the service of 'Nirmal Sathi', she will be left jobless.

As it appears that contrary submissions are made by and on behalf of the parties, accordingly, the Court thinks is appropriate to remand the matter to the Executive Officer of the Municipality to take a decision with regard to the representation filed by the petitioners before the said authority.

The Executive Officer of Tarakeshwar Municipality is, accordingly, directed to consider and dispose of the representation filed by the petitioners on 25th July, 2022 in accordance with the notification dated 26th April, 2022 and any other circular/guideline governing the field, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

A decision shall be taken in the matter at the earliest, but positively, within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 25th July, 2022, addressed to the Executive Officer, Tarakeshwar Municipality, at the time of communicating the order of this Court.

WPA 24195 of 2022 is, thus, disposed of.

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

(Amrita Sinha, J.)