

ML 187
18.07.2023
Ct. No. 15
adeb

W.P.A. 25829 of 2016
IA No. CAN 1/2020 (Old No.2480/2020)

Dr. Onkar Nath Roy
Vs.
The State of West Bengal & Ors.

Mr. Balai Lal Sahoo
Mr. Moniruzzaman
Mr. Jahangir Badsha

....for the Petitioner

The writ petition is taken up for consideration when affidavit of service is filed on behalf of petitioner is taken on record. However, no one appears for the respondents.

Petitioner, inter alia, has challenged the communications dated 13th March, 2014 as well as 2nd November, 2016 made by the Additional Executive Officer, Murshidabad Zilla Parishad whereby it was intimated to the petitioner that Indrani Gram Panchayat in the District of Murshidabad was not approved by Department of Panchayat and Rural Development, Government of West Bengal for establishment of Homeopathy Charitable Dispensary under State Budget or West Bengal State Rural Development Agency. Petitioner as it has been contended was recommended by Indrani Gram Panchayat along with another candidate for being engaged as Homeopathic Doctor and Compounder respectively in Indrani Gram Panchayat

vide communication dated 10th September, 2009 to Murshidabad Zilla Parishad for granting necessary approval.

However, no approval was accorded contemporaneously by the concerned authority of Murshidabad Zilla Parishad. It has been submitted that had the approval been accorded in favour of the petitioner he would have been paid remuneration of Rs. 2000/- per month for functioning as Homeopathic Doctor in the aforesaid gram panchayat. Petitioner challenges communications dated 13th March, 2014 and 2nd November, 2016 of the Additional Executive Officer Murshidabad Zilla Parishad whereby it was intimated that the aforesaid gram panchayat was not approved for engagement of Homeopathic Doctor.

Having heard the learned advocate representing the petitioner and on perusal of relevant documents available on record it appears that in effect petitioner is claiming engagement as Homeopathic Doctor in Indrani Gram Panchayat upon cancellation of communications dated 13th March, 2014 and 2nd November, 2016 made by Additional Executive Officer, Murshidabad Zilla Parishad.

However, if this Court proceeds on the premise that petitioner was selected by Indrani Gram Panchayat to function as Homeopathic Doctor, it appears that such selection has to be approved by the concerned authority

of Murshidabad Zilla Parishad under the scheme for release of monthly remuneration.

From the communications dated 13th March, 2014 and 2nd November, 2016 it appears that the Zilla Parishad authority found that Indrani Gram Panchayat was not an approved gram panchayat for engagement of Homeopathic Doctor resulting in non acceptance of the recommendation made by Indrani Gram Panchayat dated 10th September, 2009 for engagement of the petitioner.

It is settled proposition of law that mere recommendation for being engaged to discharge particular function under scheme does not confer right upon the candidate who has been recommended unless and until the same is approved by the higher authority. Here the Zilla Parishad found that the concerned gram panchayat was not an approved gram panchayat for engagement of Homeopathic Doctor.

In view of aforesaid position this Court does not find any merit in the writ petition and accordingly the same stands dismissed.

Application being CAN 1 of 2020 (Old No. CAN 2480 of 2020) praying for appropriate order also stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)