

01.03.2023

Sl no. 60

Ct no. 2

P.M.

WPA 28155 OF 2022

Tumpa Giri.

- Vs -

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee

... For the Petitioner.

Mr. Sakya Maity,

Sk. J. Alam

... for the respondent No. 10

Mr. Pradip Kumar Ray,

Mr. Prabir Kumar Ray,

Mr. Joydip Ray,

Ms. Chaitali Bhattacharya,

Mr. Kartick Chandra Das

... for the State

Heard learned advocates appearing for the parties.

This is the second round of litigation. The subject matter of challenge in this writ petition is termination of petitioner's service by an intimation issued by Block Mission Director, BMMU & BDO, Shyampur. Earlier, another writ petition was filed being WPA 16208 of 2022 which was disposed of by order dated 16th September, 2022 granting liberty to the petitioner to make appropriate representation before the respondent authority concerned and direction was made on behalf of the appropriate authority concerned to consider such representation

and pass a reasoned and speaking order after giving an opportunity of hearing to the petitioner or her authorized representatives.

Pursuant to the said order petitioner had filed the representation on 22nd September, 2022 and on receipt of the said representation a notice of hearing was issued to the petitioner on 12th October, 2022 and after hearing the petitioner and interested parties the Block Development Officer/respondent concerned disposed of the representation by passing the impugned order on 20th October, 2022.

On perusal of the aforesaid impugned order I find that the status of the petitioner is a community service provider and in addition to the allegation of misappropriation of fund by the petitioner one important fact which cannot be ignored by this Court is with regard to the status of the petitioner that admittedly the petitioner is a contractual employee and is governed by a circular being No. 665-WBSRLM /Prog./6P-81/2013 dated 13th October, 2014 which lays down the guideline for engagement of such type of employee and there is a specific provision in the said circular that such type of employee will not be engaged for more than one year.

Considering the facts and circumstances of this case and submission of the parties and discussion made above I am not inclined to entertain this writ petition being WPA 28155 of 2022 and accordingly the same is dismissed.

(Md. Nizamuddin, J.)