

**Ct.
No.
14**

16.01
2023

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Paresh Nath Mondal

-Versus-

The State of West Bengal & Ors.

...For the Petitioner

Mr. Mrinal Kanti Biswas

...For the State Respondents

Ms. Mausumi Mitra

...For the Respondent No. 3A

The writ petitioner is a physically handicapped person with 90% permanent disability. He passed Madhyamik Examination in the year 2009. In response to an advertisement published by the Managing Committee of Jogendranagar Sishu Siksha Kendra, Mathurapur, South 24-Parganas, for engagement of ‘Sahayak/Sahayika’, the petitioner applied for the same. Some other applicants also applied for engagement as ‘Sahayak/Sahayika’ for the said Sishu Siksha Kendra. Ultimately, the application made by the petitioner was not considered favourably by the Managing Committee of Jogendranagar Sishu Siksha Kendra.

Being aggrieved by the decision of the said Sishu Siksha Kendra, the petitioner preferred a writ petition being W.P. 8314 (W) of 2010 before this Court. By an order dated 20th December, 2011, a learned Single Bench of this Court directed the concerned Block Development Officer to consider and disposed of the representation of the petitioner by a reasoned order within a specified time. In compliance thereof the concerned Block Development Officer, Mathurapur-I Development Block disposed of the representation by treating the same as an application for engagement as Sahayak in respect of another Sishu Siksha

Kendra Gobrapota Sishu Siksha Kendra.

The petitioner complains that since there is no vacancy of any Sahayak in Gobrapota Sishu Siksha Kendra, the representation made by him became otiose.

Thereafter, the petitioner by making representations dated 24th June 2022 to the Teacher-in-Charge, Ashokenagar Sishu Siksha Kendra as well as to the Block Development Officer, Mathurapur-I Development Block made appeal to engage him as Sahayak. But, the representations made by the petitioner have not yet been considered either by the Teacher-in-Charge, Ashokenagar Sishu Siksha Kendra or by the concerned Block Development Officer. Hence, this writ application.

Learned Lawyer appearing for the petitioner submits that the concerned Block Development Officer, Mathurapur-I Development Block may be directed to consider and dispose of the representation dated 24th June 2022 made by the petitioner seeking engagement as Sahayak in Ashokenagar Sishu Siksha Kendra.

Per contra, learned Lawyer appearing for the respondent No. 3A submits that in view of a Memorandum dated 4th December, 2012 issued by the Panchayats and Rural Development Department, Government of West Bengal, engagement of Sahayak/ Sahayika and Samprasarak / Samprasarika by a Managing committee or Recruitment Committee remains suspended. Learned Lawyer points that the Memorandum dated 4th December, 2012 still occupies the field on engagement of Sahayika / Sahayak and Samprasarak / Samprasarika.

As to the plea of the petitioner in earlier writ petition, his prayer was considered by this Court as well as by the concerned Block Development Officer.

As it appears from the Government Memorandum dated 4th December, 2012 issued by the Panchayats and Rural Development Department, Government of West Bengal, engagement of Sahayak/ Sahayika and Samprasarak/Samprasarika by a Managing Committee or Recruitment Committee remain suspended. As pointed out by the learned lawyer for the respondent No.3A, suspension of engagement of Sahayak / Sahayika still remains in force. Since, the petitioner was or is not entitled to be engaged as Sahayak of Jogendranagar Sishu Siksha Kendra, in terms of the aforesaid Government Memo the prayer/ representation made by him has now lost its legal force. That being so, I feel that the writ petition filed by the petitioner has no merit to succeed.

Accordingly, the writ petition is dismissed on contest.

However it is made clear that the petitioner is at liberty to apply for engagement as Sahayak if he is qualified for the post in accordance with law.

There shall be no order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(Rabindranath Samanta, J.)