

14. 31.03.2023
bd. Ct.15

W.P.A. 31488 of 2017

Hiralal Karmakar

-vs-

The State of West Bengal & Ors.

Mr. P.C.Ghosh

Mr. Subir Hazra

... for the petitioner.

Mr. Pinaki Dhole

Mr. Pinaki Bhattacharya

... for the State

The writ petition is presented, inter alia, praying for regularisation of service of the petitioner as clerk in Bahula G.C. Vidyamandir (Jr. High School), District-Burdwan, (Paschim) on the score that petitioner has been working as clerk of the said school with effect from 1994.

It has been contended by Mr. Ghosh, learned advocate representing the petitioner that since petitioner has rendered service for a considerable period of time from the year 1994 by this time the concerned State respondents ought to have regularised the service of the petitioner.

Such prayer made on behalf of the petitioner is opposed by Mr. Dhole, learned advocate representing the State respondents. It has been submitted that appointment of the petitioner as clerk of the aforesaid school was not in consonance with the recruitment rules prevalent at the material point of time, therefore, according to the State respondents no right accrues in favour of the petitioner.

Having considered the submissions made on behalf of respective parties this Court finds that the induction of the petitioner as clerk of the school in question is de hors the recruitment rules prevalent at the relevant point of time. It further appears that no prior permission was issued by the concerned District Inspector of Schools (SE), Burdwan, permitting the school authority to complete the selection process.

In view of the aforesaid situation it appears that no enforceable right has been accrued in favour of the petitioner which can be protected by issuance of mandamus. In this regard reliance is placed on the judgment of the Apex Court reported in (2006) 4 SCC, 1 (Secretary, State of Karnataka and Ors. –vs- Uma Devi & Ors.).

Accordingly, this Court does not find any merit in the writ petition and the same stands dismissed. Interim order, if any stands vacated. However, 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.)