

Sl No. 56
28.02.2023.
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 380 of 2023

**Rabindra Nath Basak
-versus
State of West Bengal & Ors.**

Ms. Suman Sehanabis (Mandal),
... For the petitioner.

Mr. Hirak Barman,
Ms. Bedashruti Bose, ... for the State.

The petitioner is serving as a casual employee of the Panchayat Samity. His prayer for regularization has been rejected by the Additional Chief Secretary, Panchayat and Rural Development in December 2019.

Learned advocate for the petitioner submits that the petitioner is serving in the Samity for a considerable period of time and he is apprehensive that his service may be terminated as the Panchayat Samity is taking steps for fresh recruitment in the sanctioned vacant posts.

The learned advocate representing the State respondents submits that the memorandum which the petitioner is relying upon, will not be applicable in the present case. The averments made in the writ petition do not mention anything about initiation of fresh recruitment process.

Heard both the parties and perused the documents relied upon by both. In the present writ petition the petitioner has prayed for setting aside the impugned order dated 6th December, 2019.

The petitioner has not been able to produce before the Court any document/ circular/ notification

memorandum permitting regularization of casual employees. The petitioner is still in service and the respondent authorities have not yet disturbed the service of the petitioner.

It does not appear that there is any immediate cause of action to file the present writ petition. Writ petition ought not to be entertained on mere apprehension.

In view of the above, no relief can be granted in the instant writ petition. The impugned order of rejection does not call for any interference.

In the event the respondent authorities take steps to disturb the service of the petitioner, then it will be open for the petitioner to seek necessary relief in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)