

SI No.46
06.03.2023.
SB-II

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

**WPA 425 of 2023
Sanjay Thapa
-versus
The State of West Bengal & Ors.**

Ms. Suman Sehanabis (Mandal)
Mr. Salok Sah
... for the petitioner.

Mr. Subir Kumar Saha, AGP
Mr. Pretom Das
... for the State.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah
... for the Kurseong Municipality.

The proposal forwarded by the Board of Councillors, Kurseong Municipality for regularizing the petitioner in the vacant post of Sub-Assistant Engineer in Kurseong Municipality is pending consideration at the end of the Director of Local Bodies, Government of West Bengal.

The petitioner and the Municipality both submit that the petitioner is working in the Municipality for a considerably long period of time and he is well experienced to perform work of the Sub-Assistant Engineer of the Municipality. Since there is one vacant post, the Municipality intends to regularize the petitioner in the said post.

The prayer of the Municipality was forwarded in February 18, 2022 followed by reminder dated November 24, 2022 to the Director of Local Bodies. The same is pending consideration.

Learned advocate representing the State respondents is yet to receive instruction.

As the matter is pending consideration at the end of the Director of Local Bodies, the instant writ petition is disposed of by directing the respondent no. 2 to consider and decide the proposal of the Municipality in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order within a period of twelve weeks from the date of communication of this order and communicate the same to the parties immediately thereafter.

It is made clear that the Court has not gone into the merits of the proposal forwarded by the Municipality and it will be open for the aforesaid respondent to consider the same on merits.

The learned advocate for the petitioner is directed to forward a copy of proposal of the Municipality along with all documents in support of the stand of the petitioner to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed.

Urgent certified photo copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

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(Amrita Sinha, J.)