

24-04-2024
Item No.386 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.1831 of 2024
Babita Kumari

-vs-

The State of West Bengal & Ors.

Mr. Partha Sarkar
Mr. Abhijit Basu
Ms. Megha Sarkar ...for the petitioner

Mr. Jayanta Samanta
Mr. Supriya Majumder ...for the State

Affidavit of service filed in court is taken on record.

The petitioner in this writ petition happened to be a Siksha Sahayika and stated to have worked for nearly five years.

The Director of Local Bodies issued a memorandum signed by him refusing to continue her services on the grounds that she was under-aged.

Admittedly, she worked for many years and it transpires that similarly circumstanced persons approached this court and the Director was directed to consider their cases afresh.

In my view, the petitioner should be treated with equality so far as the similarly circumstanced persons are concerned and the authority should take into account the aforesaid aspect of considering her case upon her attaining majority. It is submitted that the petitioner is aged about 40 years.

The Director of Local Bodies is, therefore, directed to reconsider the case of the petitioner afresh in accordance with law and in the light of the observations recorded hereinabove and also in terms of the guidelines dated 30th May 2000, especially Clause 7 (ka), within one month from the date of communication of this order and communicate his decision to the petitioner forthwith. This court has not entered into the merits of the claim of the petitioner.

This order is being passed pursuant to several orders already passed by the respective co-ordinate Benches of this court with similar cases of action in respect of similarly situated persons.

The writ petition is thus disposed of.

Since no affidavits are invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

