

27.06.2024

Sl. No. 02

Ct. No. 23

Srimanta

WPA/2947/2024

Sujata Roy

-Vs.-

The State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Priyabrata Batabyal

...for the petitioner.

Mr. Rezaul Hossain

...for the State.

The petitioner complains that the reservation of 5% of the total number of sanctioned post in respect of Government run Integrated Child Development Scheme (in short, ICDS Projects) to be selected by the Government in the Department of Women and Child Development and Social Welfare from amongst suitable inmates of Government and Government aided Welfare Homes or by others as specified in the Memorandum dated 25th January, 2006 is not being followed. The petitioner says that she was an inmate of Government Welfare Home and as such became entitled to be considered for appointment against the 5% reserved post specified in the said Memorandum. The petitioner has applied for such appointment/engagement on 5th April, 2023 but till now no decision either allowing or rejecting the petitioner's prayer has been communicated to the petitioner. On behalf of the State it is submitted that

the petitioner has no enforceable right to seek a mandatory order as prayed for in this writ petition. Assuming without admitting at this stage that the petitioner does not have any enforceable right yet, the petitioner is entitled to be made known about the logical conclusion to the application made by her particularly in view of the provisions contained in the Memorandum dated 25th January, 2006.

In the aforesaid facts and circumstances, I think justice will be subserved if I direct the respondent no. 2 to dispose of the petitioner's application dated 5th April, 2023 by a reasoned order, if necessary, by giving the petitioner an opportunity of personal hearing within a period of two months from date. Since the respondent no. 2 is represented by an Advocate at the time of passing of this order no further communication of this order is necessary. However, by way of abundant caution the petitioner may serve a server copy of this order along with a copy of the writ petition to the respondent no. 2 within a fortnight from date. The respondent no. 2 shall deal with all the issues that may surface while considering the petitioner's application independently and without being influenced by any observation made in this order. It is also clarified that this Court has not gone into the merit of the case. Immediately,

upon the order being made the same shall be communicated to the petitioner. Nothing further remains to be adjudicated in this application. The writ petition is accordingly disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)