

22.11.2024

Ct. No.39

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 4991 of 2023
(Specially Assigned)**

**Pradip Kumar Mandal
-Vs-
The State of West Bengal & Ors.**

Mr. Sanjib Bandyopadhyay
Mr. Ashok Kumar Singh
... for the petitioner

Mr. Soumitra Bandopadhyay
Mr. Srikanta Paul
... for the State-respondents

This writ petition has been filed praying for a direction upon the respondent authorities to give appointment to the petitioner under the '*Exempted Category*' for losing land in acquisition proceeding being LA Case No.4/52 of 2006-07.

Mr. Sanjib Bandyopadhyay, learned Advocate appearing for the petitioner submits that although the name of the petitioner was sponsored by the concerned Employment Exchange, however, till date he has not got appointment in any of the organization. Referring to the notification of the State Government dated 21st August, 2002 he submits that the State Government is under obligation to provide employment. He has made representation before the authorities for his employment.

He seeks for appropriate order for employment of the petitioner in some organization as per his eligibility.

On the contrary, Mr. Soumitra Bandopadhyay, learned Advocate representing the State-respondents submits that as per the policy and the notification of the Government the land loser has been enrolled under the '*Exempted Category*'. There is no obligation on the part of the State to give employment to the petitioner being a land loser, save and except sponsoring the name for consideration by the organization in respect of employment as per their rules and norms. He also indicates that in two of the organizations namely Dinhata Municipality and Ramkrishna Mission Industrial Training Centre, Narendrapur, the name of the petitioner was sponsored. In respect of the first organization i.e. Dinhata Municipality, though the petitioner was called to appear in a written test, but he failed to appear. As far as the second organization i.e. Ramkrishna Mission Industrial Training Centre, Narendrapur is concerned, they already cancelled their vacancy. However, in his usual fairness he submits that direction be issued upon the respondent no.14, the Deputy Director of Employment, Exempted Category Cell, Directorate of Employment, West Bengal to sponsor the name of the petitioner for any organization in future, if the petitioner qualifies for vacancy in terms of rules and regulations of that organization.

From the materials on record it is not in dispute that the name of the petitioner was sponsored by the concerned Employment Exchange to the Chairman, Dinhata Municipality and to the Secretary, Ramkrishna Mission Industrial Training Centre, Narendrapur. The report of the Chairman, Dinhata Municipality annexed to the additional report of the State-respondent at page 5 reveals that the petitioner failed to appear on the date of written examination. Further, the report furnished by the Additional Director of Employment, Directorate of Employment, Government of West Bengal dated 2nd September, 2024 shows that the Secretary, Ramkrishna Mission Industrial Training Centre, Narendrapur has informed that recruitment process against the vacancy has been cancelled.

In the aforesaid backdrop and considering the submissions advanced at the Bar, the respondent no.14, the Deputy Director of Employment, Exempted Category Cell, Directorate of Employment, West Bengal is directed to sponsor the name of the petitioner, if he qualifies as per eligibility criteria and other conditions of the vacancy of any organization.

With the above observations, the writ petition being **WPA 4991 of 2023** is disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(**Bivas Pattanayak, J.**)