

20.05.2024
Court-08
Item no.-20

MAT 1855 of 2023
With
IA NO: CAN/2/2023

SWAPNA KUNDU (PATRA)
VS
STATE OF WEST BENGAL AND ORS.

For the appellant : Mr. Gouranga Kr. Das,
Ms. Paulami Dutta.

For the respondent No.4:
Mr. Tapash Kr. Mondal.

For the State: Mr. Jagabandhu Roy,
Mr. Rezaul Hossain.

This appeal is arising out of an order passed by the Learned Single Judge on 13th July, 2023 in which the writ petitioner alleged that she was not given her remuneration between the period of July 4, 2006 till 2007 when she was working as 4th Sahayika under the Managing Committee Purnachandrapur Netaji Sishu Siksha Kendra.

Learned Single Judge, however, declined to extend such benefit and dismissed the writ petition after noticing that there has been a considerable delay in approaching the Court and there are several discrepancies in the appointment of the writ petitioner. This order is under challenge.

Earlier to the aforesaid writ petition another writ petition was filed being WP 17431 (W) of 2007 challenging the inaction on the part of the Managing Committee in implementing the resolution dated 21st August, 2006. In the said writ petition an order was passed on 22nd

September, 2008 whereby the Block Development Officer and Executive Officer, Patharprapima- Block was directed to pass a reasoned order. The reasoned Order dated 25th March, 2009 was the subject matter of challenge in the second writ petition that had resulted in the impugned order.

The Learned Counsel for the respondent no. 4 has placed before us the irregularities in the appointment of the writ petitioner. Principally, it is highlighted that the Managing Committee wanted to create an additional post of 4th Sahayika without obtaining necessary approval from the Panchayat Samiti inasmuch as the appointment of 4th Sahayika was not necessary in view of the student strength at the Netaji Sishu Siksha Kendra. At the relevant time the student strength was 65 only. In any event the appointment of 4th Sahayika was also without publicity and proper advertisement.

The Learned Single Judge has considered all the aforesaid facts.

We do not feel any reason to pass order of the Learned Single Judge.

The appeal and application are accordingly disposed of.

Further there shall be no order as to costs.

(Soumen Sen, J.)

(Uday Kumar, J.)