

ML- 12.07.2024
1361 Ct.18
rkd

R.V.W. 229 of 2023
In
W.P.A. 11887 of 2018
(IA NO: CAN 1/2023)
Sumanta Kumar Nag

-vs-

The State of West Bengal & Ors.

Mr. Rudrajyoti Bhattacharya,
Ms. Sayanti Roy Chowdhury

....for the applicant.

Affidavit-of-service filed on behalf of the
applicant is taken on record.

By presenting memorandum of review and
connected application being CAN 1/2023 petitioner
has sought for review of the order dated 29th
August, 2023 passed by this Court on a writ
petition being WPA 11887 of 2018.

Mr. Bhattacharya, learned advocate
representing the applicant is heard at length in
order to appraise the grounds taken in support of
the review application.

It has been submitted that while disposing
of the connected writ petition order issued under
memo No. 1425-BCW/6M-03/2019 dated 29th
June, 2021 issued by the Joint Secretary to the
Government of West Bengal, Backward Classes
Welfare Department ought to have taken into
consideration by the Court in order to decide the

right of the applicant to continue as Data Entry Operator in Rampurhat Sub-Divisional Office.

According to the applicant based on this order dated 29th June, 2021 he ought to have been permitted to continue in the post of Data Entry Operator till he attains the age of 60 (sixty) years; had this order dated 29th June, 2021 been considered by this Court while disposing of this writ petition the nature of the order which has been passed by this Court on 29th August, 2023 might have been altered.

On hearing the learned advocate representing the applicant and taking note of the order dated 29th June, 2021 issued by the Joint Secretary to the Government of West Bengal, Backward Classes Welfare Department, it appears that the said order is confined to 84 (eighty four) Data Entry Operators who were engaged in the Department of Backward Classes Welfare to continue till the age of 60 (sixty) years on bringing them under the direct control of the said Department with effect from 1st November, 2020.

This Court is at a loss as to how this order dated 29th June, 2021 comes in aid of the petitioner when petitioner is not one of those 84 (eighty four) candidates who are named in the list appended to

the said order dated 29th June, 2021 neither petitioner was working as Data Entry Operator under the Department of Backward Classes Welfare rather he was working as Data Entry Operator in Rampurhat Sub-Divisional Office.

Moreover, petitioner was terminated from service after 31st March, 2018 whereas this order was passed on 29th June, 2021 having no retrospective effect. Therefore, in the event this order dated 29th June, 2021 would have been brought to the notice of this Court at the time of disposal of this writ petition, that could not change the result of the writ petition.

In view of the aforesaid consideration this Court does not find merit in the review application.

Accordingly, the review petition along with connection application stand dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)