

05.03.2024  
Sl. No.661  
pk

**W.P.A. 25734 of 2022**

*Ranjit Kumar Jha and others*  
-Vs-  
*The State of West Bengal & Ors.*

Mr. Sabyasachi Chatterjee,  
Mr. S. Das,  
Mr. Badrul Karim,  
Mr. Kiron Sk.  
Ms. Indrani Roy,  
Mr. Sarajit Roy  
... for the petitioner

Mr. Pantu Deb Roy,  
Mr. Pannalal Bandopadhyay  
... for the State

Mr. Tanoy Chakraborty  
Mr. Chhandak Dutta  
... for the Respondent No.8

Mr. Sourav Mondal  
Ms. Esha Das  
... for the Principal Accountant General

1. The petitioners were engaged through the private agency, namely JIS Transport and Traffic Training Institute & Management Society (JIS) as Motor Vehicle Inspectors (Non-technical) to work with the Transport Department of the State, on a contractual basis with specific conditions.

2. It was specified condition in the letter of engagement that the petitioners would not be able to claim any permanent engagement for employment with M/s JIS or the State. There engagement is purely temporary, contractual and would come to an end upon completion of contractual terms.

3. The facts and circumstances of the engagement of the petitioners was inter alia that the Motor Vehicles Department of the State was facing a serious dearth of

Motor Vehicle Inspectors, with the manifold increase in transport movement across the State. The post of Motor Vehicle Inspector is normally required to be filled up the State through the Public Service Commission (PSC) after due process of law. Since the cabinet approval for recruitment and actual process of recruitment by the PSC would take a substantial period of time, the Transport Department was permitted by the State cabinet to engage Motor Vehicle Inspectors (Non-Technical) on a contractual basis through a private agency.

4. The petitioners are such contractually engaged Motor Vehicle Inspectors (Non-Technical) staff. The job profile of the petitioner was only to assist Senior Officer of the Motor Vehicles Department in various check posts in the State.

5. The petitioners were not authorized to take any independent decision on their own. They were to report and inform their superiors, based on which action under Motor Vehicles Act 1988 would be taken by the higher authorities.

6. The petitioners claim that since they have already been engaged and have gained substantial experience as Motor Vehicle Inspector (Non-Technical). It is also submitted that the experience gained by them would be of vital importance to the functioning of the Motor Vehicles Department in various check posts and other places in the State.

7. The State has filed a report by way of affidavit. It is stated that the petitioners have been engaged by M/s JIS, as stopgap arrangement and purely on contractual basis. The stipulation in the letter of engagement is clear and explicit that they cannot claim any permanent status or employment in the JIS or the State.

8. This Court has carefully heard the arguments of Mr. Chatterjee, learned counsel for the petitioner and Mr. Deb Roy, learned counsel for the State. The petitioners having been engaged through private contractors for a substantial period are governed by the terms of the contract. They cannot resile from such terms.

9. The contract would come to an end upon its expiry or sooner determination thereof. Each of the petitioners' services have been terminated and they have been disengaged in the year 2020.

10. The petitioners alternatively seek the benefit of the Memorandum of the State issued by the Finance Department dated 06.03.2017 of a Right to Continue in such contractual engagement in the age of 60 years. Such circular cannot apply to the petitioners since they have been engaged by a private agency.

11. Hence, no relief can be granted to the petitioners in the instant proceedings.

12. However, since the petitioners have gained field experience in course of working as Motor Vehicles Inspector (Non-Technical) in the State, some preference may be given to the petitioners in any future course of permanent engagement by the State in the post of Motor Vehicles Inspector (Non-Technical) under any process of recruitment that may be conducted through the PSC.

13. The writ petition is therefore disposed of without any further orders.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***