

17 22.05.2024
rkd Ct.15

W.P.A. 8650 of 2020

Padma Ranbaj nee Bag

-vs-

The State of West Bengal & Ors.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha

....for the petitioner.

Mr. Susanta Pal,
Mr. Tapan Pramanick

....for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner and the State respondents.

The petitioner was engaged as Anganwadi Karmee vide engagement letter dated 30th April, 2007. It has further been submitted that petitioner was under custody in connection with a criminal proceeding initiated under Sections 302/201 read with Sections 120B/34 of the IPC and subsequently she was granted regular bail. After the petitioner being enlarged on bail she attempted to resume her duty being Anganwadi Karmee but it has been alleged that she was not permitted to resume her duty since she was in custody for more than 48 hours.

However, it has been submitted that no formal disengagement letter was issued neither a

notice was issued for dispensation of the engagement of the petitioner in terms of Clause 2 of the engagement letter dated 30th April, 2007. Petitioner prays for resumption of duty as Anganwadi Karmee subject to the final result of the criminal proceeding which is pending against her.

Mr. Pal, learned advocate representing the State respondents including the Child Development Project Officer (ICDS), Binpur-I, District-Jhargram being respondent no.5 has opposed the prayer of the petitioner on the count that petitioner was not engaged as Anganwadi Karmee on substantive basis. According to the State respondents since the petitioner was engaged temporarily vide engagement letter dated 30th April, 2007 no right accrues in her favour to approach the concerned authority for continuation of her duty as Anganwadi Karmee during pendency of criminal proceeding.

Having considered the submissions made on behalf of the parties, the writ petitions stands disposed of directing the Child Development Project Officer (ICDS), Binpur-I being respondent no.5 to decide the issue whether petitioner can be allowed to function as Anganwadi Karmee based on engagement letter dated 30th April, 2007 subject to

final result of the criminal proceeding.

Let such decision be taken by the respondent no.5 within a period of eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or her representative.

The reasoned decision to be taken by the respondent no.5 shall be communicated to the petitioner within a period of one week thereafter.

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.)