

22.02.2024  
BD/Ct. 02  
sl no. 01.

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
Constitutional Writ Jurisdiction**

**W.P.A. 1053 of 2023**

Champa Roy Pramanik & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Alok Sah  
Mr. Kunaljit Bhattacharya

....for the petitioners.

Mr. Subir Kumar Saha  
Mr. Momenur Rahaman

....for the State.

The writ petition has been instituted, *inter alia*, praying for cancellation of the Recruitment Notice dated 24<sup>th</sup> March, 2023 an appointment of petitioners as Anganwadi Workers under Mekhliganj ICDS Project, District- Cooch Behar.

The learned advocate representing the petitioners submits that their right is fortified by the order of a coordinate Bench dated 13<sup>th</sup> May, 2015 passed on a writ petition being WPA 19421 of 2006 whereby ICDS authorities were directed to regularize the engagement of the petitioners as Anganwadi Workers and direction was given to grant notional benefits reckoning their past service. According to the petitioner, in terms of this order dated 13<sup>th</sup> May, 2015 engagement of

the petitioners as Anganwadi Workers under Mekhliganj ICDS Project need to be finalised.

Per contra, Mr. Rahaman, learned advocate representing the State respondents submits a report of the Child Development Project Officer, Mekhliganj ICDS Project, Cooch Behar, signed on 9<sup>th</sup> January, 2024 and the same is taken on record. Based on such report it has been contended on behalf of State respondents that these six petitioners were initially engaged as Anganwadi Workers for a period of three months in a resultant vacancy when regular Anganwadi Workers were sent for a training.

The tenure of the engagement of the petitioners was from 4<sup>th</sup> December, 2000 to 28<sup>th</sup> February, 2001 purely on a temporary basis and when the regular Anganwadi Workers resumed their services against their respective posts temporary service of the petitioners stood dispensed with. Subsequently, when a notification was issued on 25<sup>th</sup> July, 2006 for promotion of Anganwadi Sahayikas to Anganwadi Workers the same was challenged by filing a writ petition being WPA 19421 of 2006 on which coordinate Bench passed an order in

favour of the petitioners on 13<sup>th</sup> May, 2015. Against which respondent authorities preferred an intra-court Appeal being MAT 1721 of 2015 and the same was allowed by the Hon'ble Division Bench vide order dated 7<sup>th</sup> September, 2016 setting aside the order of the Single Bench. Therefore according to the State respondents no right accrues in favour of the petitioners claiming regularization of their engagement in consideration of the temporary appointment for a period of three months.

It appears that the basis of claim of the petitioners rests on the order of the coordinate Bench dated 13<sup>th</sup> May, 2015 passed on a writ petition being WPA 19421 of 2006 but the said order dated 13<sup>th</sup> May, 2015 was set aside by the Hon'ble Division Bench vide order dated 7<sup>th</sup> September, 2016; therefore the right which accrued in favour of the petitioners pursuant to the order of the Single Bench was withered away.

In addition thereto it also transpires from the facts of the case that the petitioners were initially appointed on a temporary basis in leave vacancy since regular incumbents were sent for training for a period of three months

therefore, no enforceable right accrues in favour of the petitioners to lodge a claim for regularization.

Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**