

05.05.2025
Sl. No. M/L09
g.b.
Court No.02

W.P.A. 432 of 2025

Abhishek Majumder
-Vs-
The State of West Bengal & Ors.

Mr. Aritra Bhattacharya
Mr. Anirban Kumar Banerjee
Mr. Rhitam Chatterjee
.....*For the Petitioner*
Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay
.....*For the State*

Affidavit of service filed in court today is taken on record.

Mr. Aritra Bhattacharya, learned advocate appears for the petitioner.

Mr. Pantu Deb Roy, learned Additional Government Pleader appears for the State.

The petitioner was an immediate employee of the respondent nos. 11, 12 and 13. Respondent nos. 11, 12 and 13 were engaged as a manpower provider by the respondent no.9. As a result, the petitioner was one such manpower provided by the respondent nos. 11, 12 and 13 to work for respondent no.9 at its office as **Data Entry Operator**.

During the period 2020-21 the petitioner suddenly on a particular day was not allowed to enter at the premises of the respondent no.9 to carry out his work as **Data Entry Operator**. This is the grievance of the petitioner.

Mr. Aritra Bhattacharya, learned advocate appearing for the petitioner referring to the document at page 55 to the writ petition submits that, this is the identity card issued by the office of the respondent no.9. Respondent no.9 therefore has responsibility at least to give reasons to the petitioner why he was suddenly not allowed to enter at the office premises to carry out the work. The prayer in the writ petition shows that the petitioner claims reinstated.

Mr. Pantu Deb Roy, learned Additional Government Pleader appearing for the State submits that, the respondent no.9 has appointed respondent nos. 11 to 13 as its agents for providing manpower and such private respondents have, inter alia, provided petitioner, as one such manpower to work as **Data Entry Operator**. The contract was between the

respondent no.9 and the private respondents for supply of manpower. There was and still is no privity between the respondent no.9 and the petitioner. Respondent no.9 cannot be construed to be the employer of the petitioner. The immediate employer of the petitioner is the respondent nos. 11 to 13. Inasmuch as, this was a contractual employment and not against any permanent post, hence, the petitioner cannot sustain his prayer made in this writ petitioner.

After considering the rival contentions of the parties and upon perusal of the materials on record, though respondent nos. 11 to 13 are not represented, it appears to this court that petitioner was not engaged against any sanctioned post and it was a contractual employment. The identity card at page 55 to the writ petition does not create any juristic relationship between the petitioner and the respondent no.9. It was merely a permission to enter at the premises of the respondent no.9, which is a restricted Government premises wherefrom the petitioner used to carry out his work as data entry operator. As there is no privity

between the petitioner and the respondent no.9, the petitioner cannot enforce his employment contract against the respondent no.9.

In view of the above, this court is of the firm view that this writ petition is devoid of any merit.

Accordingly, this writ petition **WPA 432 of 2025** stands **dismissed**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Aniruddha Roy, J.)