

27.03.2025

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Ct. no.39

Ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 438 of 2024

**Madhu Sudan Bandyopadhyay
-Vs-
The State of West Bengal & ors.**

Mr. Samiran Mandal

Mr. S. C. Dhara

Mr. Abhinaba Dan

... for the petitioner

Mr. Soumik Ganguli

... for the respondent nos.3, 4 & 5

Mr. Amal Kr. Sen, Ld. AGP

Ms. Ashima Das (Sil)

... for the State-respondent

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition is filed for cancellation/quashing and/or setting aside the order of the Secretary, Bankura Zilla Parishad dated 19th September, 2023.

The petitioner contends that he joined as Stenographer (English)-cum-C.A. to Additional Executive Officer, Bankura Zilla Parishad on 24th May, 2001. The petitioner made a prayer before the authority concerned to allow him to join in the post of Stenographer-cum-P.A. to Sabhadhipati of Bankura Zilla Parishad and accordingly, an order was passed on 17th March, 2020 directing the petitioner to act as P.A. to Sabhadhipati, Bankura Zilla Parishad in his temporary Camp Office at Raipur Block for various official works of Sabhadhipati, Bankura Zilla Parishad. The petitioner being aggrieved by

such order approached this Hon'ble Court by filing a writ petition being WPA 22962 of 2022 and by order dated 16th May, 2023 the Court granted liberty to the petitioner to make an application to revert him to the post of Stenographer-cum-CA to the Additional Executive Officer, Bankura Zilla Parishad. Accordingly, the petitioner made an application on 24th May, 2023 and an order has been passed by the Bankura Zilla Parishad directing the petitioner to discharge official duty of Sabhadhipati, Bankura Zilla Parishad at Bankura Zilla Parishad Rest House or Office of the Sabhadhipati, Bankura Zilla Parishad as will be directed by her until further order. Being aggrieved by such order, the petitioner has preferred the present writ petition.

Mr. Samiran Mandal, learned Advocate appearing on behalf of the petitioner submits that the petitioner cannot discharge his function officially since he has been posted at Raipur Rest House which is not an office. There is no desk provided to him for using in the office. Further he is unable to sign the attendance register as it is not provided to him. He seeks for a direction for reverting the petitioner back as Stenographer (English)-cum-C.A. to the Additional Executive Officer, Bankura Zilla Parishad, which is the petitioner's actual appointment.

Mr. Soumik Ganguli, learned Advocate appearing for the Bankura Zilla Parishad submits that upon an application being made by the petitioner he has been posted as Stenographer-cum-P.A. to the Sabhadhipati,

Bankura Zilla Parishad. The petitioner's designation or petitioner's position is not effected by such order. The order clearly records that the petitioner will be discharging official duty of Sabhadhipati, Bankura Zilla Parishad at Bankura Zilla Parishad Rest House or Office of the Sabhadhipati, Bankura Zilla Parishad. He informs the Court that there are two offices of Sabhadhipati, Bankura Zilla Parishad, one at Taldangra and another at Bankura Town. Therefore, there is no illegality in the order passed by the Bankura Zilla Parishad.

Mr. Mandal, learned advocate for petitioner submits that he has no objection if the petitioner is allowed to discharge his functions in the office of Sabhadhipati, Bankura Zilla Parishad.

This is second round of litigation.

In the earlier writ petition being WPA 22962 of 2022 the following order was passed:

“ It appears from the order dated March 17, 2020 that petitioner was directed to continue as the Stenographer-cum-Confidential Assistant to the Assistant Executive Officer of the Bankura Zilla Parishad and also act as PA to the Sabhadhipati.

The Court does not find that either the petitioner's designation or the petitioner's position had been taken away. However, as the petitioner has expressed his unwillingness to continue as PA to the Sabhadhipati, the petitioner shall make a prayer before the Executive Officer, Bankura Zilla Parishad to revert him to the post of Stenographer-cum-CA to the Additional Executive Officer, Bankura Zilla Parishad and allow him to discharge all the duties incidental to the said post. If such application is filed, the same shall be disposed of within a period of one month from the date of communication of this order.”

At the outset, it is noted that there is no such averment in the writ petition that the petitioner is not being allowed to put signature on the attendance register.

Admittedly, the petitioner is receiving salary for discharging his official function.

From the aforesaid order it manifests that the Court had observed that the petitioner's designation or the petitioner's position had not been taken away. The order impugned clearly indicates that the petitioner will discharge official duty of Sabhadhipati, Bankura Zilla Parishad at Bankura Zilla Parishad Rest House or office of Sabhadhipati, Bankura Zilla Parishad as will be directed by the authority until further order. It is not in dispute that the order passed for allowing the petitioner to join as Stenographer-cum-P.A. to Sabhadhipati has initiated on an application of the petitioner himself. Since the petitioner alleges that he may be posted at Rest House or a Camp, it is made clear that such discharge of the official duties of the petitioner will be restricted only to the offices of Sabhadhipati, Bankura Zilla Parishad.

With the aforesaid observations, the writ petition being **WPA 438 of 2024** stands disposed of.

Since no such affidavit is called for, allegations made in the writ petition are deemed to have been not admitted.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)