

06.03.2025
Court No. 18
Item No.14
(Suvendu)

WPA 4259 of 2025

Dipak Jana
-Versus-

The State of West Bengal & Ors.

Ms. Gopa Biswas
Ms. Sampriti Saha
.....for the petitioner

Mr. Amit Kumar Ghosh
Mr. A. Banerjee
.....for the State

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

Petitioner claiming to be Samprasarak of
Kharijbarh Despran Madhyamik Siksha Kendra,
Purba Medinipur (hereinafter referred to as “said
MSK”) has prayed for release of arrear salary.

It is submitted that vide resolution dated
24th November, 2007 petitioner was engaged as
Samprasarak of the said MSK on temporary
basis. Subsequently the District Magistrate,
Purba Medinipur by order dated 21st February,
2012 refused to regularize engagement of the
petitioner as Samprasarak and same was
questioned by the petitioner by filing a writ
petition being WPA 7758 (W) of 2012. By order
dated 8th October, 2012, said writ petition was

disposed of by a Coordinate Bench thereby quashing the order dated 21st February, 2012 passed by the District Magistrate, Purba Medinipur since District Magistrate was not the appropriate authority to take such decision. It was held by the Coordinate Bench that the concerned Panchayat Samiti is the competent authority to disengage the petitioner being Sahayak/ Samprasarak of the said MSK. It is submitted on behalf of the petitioner that after the order passed on 8th October, 2012 petitioner is functioning as Sahayak/ Samprasarak of the said MSK and regarding regularization of the petitioner as Samprasarak no formal decision has been taken by Panchayat Samiti, Contai -III, Purba Medinipur.

On behalf of the State respondents, prayer made by the petitioner has been opposed on the ground that petitioner was initially appointed on temporary basis as Sahayak/ Samprasarak of the said MSK based on resolution dated 24th November, 2007 and thereafter it was decided on 12th September, 2010 by the Managing Committee of the said MSK that the petitioner cannot be retained as Sahayak/Samprasarak due to financial constraint. Therefore, according to State respondents, no right accrues in favour

of the petitioner to continue as Sahayak/ Samprasarak in the said MSK.

Written instruction and copies of relevant documents in connection with service of the petitioner are placed before this Court on behalf of State respondents and same are taken on record.

Having considered the submissions made on behalf of the parties and taking note of the order passed by a Coordinate Bench on 8th October, 2012, this Court finds that previous order of refusal to regularize the petitioner as Sahayak/ Samprasarak dated 21st February, 2012 was set aside by the Coordinate Bench since District Magistrate passed the said order without having any authority. It was decided in the said order dated 8th October, 2012 that it is not the District Magistrate but the concerned Panchayat Samiti is the appropriate authority to take decision to disengage the petitioner.

Today, there is nothing on record to show that formal decision regarding disengagement of the petitioner as Sahayak/ Samprasarak has been taken by the concerned authority of Panchayat Samiti, Contai -III, Purba Medinipur. On the contrary, it is submitted on behalf of the petitioner that he is rendering service as

Sahayak/ Samprasarak in the said MSK till date.

In view of aforesaid scenario, writ petition stands disposed of directing the Block Development Officer, Contai-III, Purba Medinipur, being respondent no. 4 to decide the issue whether petitioner can be regularized and be paid salary considering his engagement as Sahayak /Samprasarak with effect from November, 2007. Respondent no. 4 is directed to pass a reasoned order after granting opportunity of hearing to the petitioner and said MSK or their representatives by eight weeks from the date of communication of this order and same shall be communicated to the petitioner by ten days thereafter.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

