

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

9 03.4.2025
Sc Ct. no.2

WPA 4836 OF 2025

Tridib Shankar Goswami & Ors.

Vs.

State of West Bengal & Ors.

Mr. Deepan Kr. Sarkar
Mr. Prithwish Roy Chowdhury
Mr. Yashashwi Sundariya.

....For the Petitioners

Mr. Md. Ahsan uz Zaman
Ms. Dipa Bhattacharya.

....For the Respondents
State

Dr. Madhusudan Saha Ray

....For the Respondent
No.5/WBSLSA

Affidavit-of-service, filed in Court today, is taken on record.

Subject to payment of the deficit **court fees** by all the petitioners, this order shall be effected.

The petitioners are the **Contractual Data Entry Operators** employed with the respondent nos.5, 6 and the District Legal Services Authority. Relying upon **two** notifications issued by the State dated **October 16, 2020** at **page 54** to the writ petition and dated **March 1, 2024** at **page 57** to the writ petition, the petitioners claim the benefits thereunder.

The contention of the petitioners is that they are similarly placed persons, who have already received benefits under the said two State notifications and they

are working at least no less than them, who have received the benefits, both considering the nature of work, quantity of work and also the hour of work.

When the issue was placed before the respondent no.3, the said authority has simply expressed its '**regret**' without assigning any reason whatsoever as to why the petitioners' claims were regretted.

Learned Counsel for the petitioners, Mr. Deepan Kr. Sarkar submits that, the State being the welfare State has issued the welfare policies which shall have to be considered in favour of its beneficiaries in a liberal manner and since other similarly placed persons have been receiving benefits thereunder, the petitioners shall also receive the same benefits.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record it appears to this Court that, the decision impugned in this writ petition being **December 19, 2024 at page 93** to the writ petition cannot stand in the eye of law as there is no semblance of reasons. The decision also does not show the satisfaction of the authority arrived at on the issue.

In view of the above, the said decision dated **December 19, 2024 at page 93 to the writ petition** stands **set aside** and **quashed**.

Dr. Madhusudan Saha Ray, learned Counsel appearing for the respondent no.5 on instruction from his client submits that, his client supports the claim of the

petitioners but unless the appropriate fund is sanctioned by the State with proper approval, the respondent no.5 is not in a position to make the necessary payment.

In view of the above, the petitioners shall serve a copy of the writ petition along with a copy of today's order upon the ***Principal Secretary, Personnel and Administrative Reforms Department (P&ARD), Government of West Bengal.***

After receiving the said communication, said ***Principal Secretary, Personnel and Administrative Reforms Department (P&ARD), Government of West Bengal*** upon issuing a prior hearing notice of at least ***seven days*** to the learned advocate on record for the petitioners who shall inform the petitioners and respondent nos.3, 5 and 6 and after granting them an opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

For the purpose of attending the hearing, the respondent nos. 3 and 5 shall be at liberty to depute a responsible officer from their respective departments who shall attend the hearing with all the relevant records before the said ***Principal Secretary, Personnel and Administrative Reforms Department (P&ARD), Government of West Bengal.***

The entire exercise shall be carried out and completed by the said Principal Secretary within a period of ***six weeks*** from the date of communication of this

order and the reasoned order shall be communicated to the parties as mentioned above, who shall participate in the hearing within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners and the petitioners and all other parties who shall attend the hearing shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the said Principal Secretary in addition to the said writ petition to be produced before him, if any.

In the event the reasoned order goes in favour of the petitioners then the respondent no.2 and/or any other appropriate or jurisdictional authority of the State shall take all consequential steps to give an immediate effect thereto but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 4836 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)