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04.12.2025
Ct. No. 15
SB

WPA 16286 of 2024

Sri Ahoke Kumar Bandyopadhyay
Vs.
The State of West Bengal & Ors.

Shri Haradhan Mondal For the petitioner

The petitioner was engaged as a Technical Assistant under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) at Suri – I Development Block, Birbhum. The petitioner was due to retire on January 4, 2023, upon attaining the age of sixty years.

The petitioner filed W.P.A. 6876 of 2023 before this Court seeking re-engagement up to the age of sixty-five years, relying on Memo No. 4924-RD/P/NREGA/18S-07/06 dated October 28, 2015, issued by the Panchayats & Rural Development Department, Government of West Bengal.

A co-ordinate Bench of this Court, by an order dated March 30, 2023, disposed of the writ petition with a direction upon the Commissioner, MGNREGS, to take a decision regarding the extension of the petitioner's service.

In compliance with the said order, the Commissioner, MGNREGS, West Bengal, by an order dated April 27, 2023, rejected the petitioner's prayer for contract renewal with the following observations:

“In view of the above it is held that in respect of renewal of contract beyond 60 years of an employee under Mahatma Gandhi NREGS, the Department considers the matter depending upon the requirement of his service for the sake of smooth running of the scheme and it cannot be claimed as a matter of right. Presently since December, 2021, no work under Mahatma Gandhi NREGS is running at the field due to imposition of Sec. 27 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 upon the State and as such there is no need to renew the contract of the employee for the sake of supervision and monitoring such works.

Hence after careful consideration of the entire it is ordered that the petitioner’s contract cannot be renewed vide Order No. 4924-RD/P/NREGA/18S-07/06 dated 28/10/2015 of the Panchayats and Rural Development Department, Govt. of West Bengal.”

Learned counsel appearing for the petitioner, however, submits that the scheme is currently operational and, therefore, the petitioner’s service should be extended.

It is further submitted that in the earlier order dated March 30, 2023, the co-ordinate Bench had directed the Commissioner, MGNREGS, that while deciding the issue, he may require the presence of the petitioner or any other competent authority who can vouch for the eligibility and capability of the petitioner to be re-engaged as a Technical Assistant.

Learned counsel for the petitioner contends that such an exercise was not undertaken by the Commissioner while passing the impugned order dated April 27, 2023.

I am, however, of the view that the petitioner's service was not extended beyond sixty years for a valid reason. The Commissioner found that since December 2021, no field work under the Mahatma Gandhi National Rural Employment Guarantee Scheme had been running due to the imposition of Section 27 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, upon the State. Accordingly, there was no justification to renew the petitioner's contract for supervision and monitoring of such work.

Such reasoning cannot be found fault with.

Learned counsel for the petitioner, however, submits that the scheme is now operational. There is no pleading in the writ petition to support this contention.

In the absence of any supporting material, I am not inclined to accept this submission.

Accordingly, **W.P.A. 16286 of 2024** is dismissed.

(KAUSIK CHANDA, J.)