

Form No. J.(2)
Item No. 16
AB

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 17675 of 2025

Purnendu Maity

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Dinesh Pani, Advocate
For the State	:	Mr. Pantu Deb Roy, Advocate Mr. Subrata Guha Biswas, Advocate
For respondent no. 10	:	Mr. Soumen Kumar Dutta, Advocate Mr. Subham Dutta, Advocate
Heard on	:	August 27, 2025
Judgment on :	:	August 27, 2025

Aniruddha Roy, J.

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

The petitioner in support of his alleged employment has relied upon an identity card being **annexure P-1** at **page 18** to the writ petition. The said document shows one Menaka Enterprise has employed the writ petitioner under work order dated **March 28, 2025** the validity where of is there till **January 31, 2026**. The Public Health Engineering department had engaged Menaka Enterprise for providing manpower who shall work as Pump operator/valve operator for a particular project.

Mr. Dinesh Pani, learned advocate appearing for the petitioner referring to **annexure P-6** at **pages 43 and 44** to the writ petition submits that, the Panchayat Samiti has provided a provisional list of Pump Operators/Valve Operators for work at Water Supply Pump House under the said Panchayat Samiti. **Page 44** shows several persons have been engaged by the Panchayat Samiti as provisional operators. The petitioner has been aggrieved as by virtue of the said document provisional operators being engaged, of whom the private respondent no. 10 is one such provisional operator. The petitioner contends that by virtue of the said list of provisional operators being published, the petitioner has lost its employment forcefully and illegally.

Mr. Pantu Deb Roy, learned Additional Government Pleader appearing for the State has placed a report in the form of Statement of Fact with several enclosures thereto, the same is taken on record. Copy has been given to the learned advocate appearing for the petitioner in Court today. Learned Additional Government Pleader submits that, PHE on contractual basis had engaged Menaka Enterprise who had intern supplied manpower like petitioner for a particular project Kala Punja PHE under a particular water supply scheme. He submits that, the project is over. He has no instruction with regard to the involvement of the Panchayat Samiti in the project. The document at **page 18** shows that the work order issued in favour of Menaka Enterprise was valid till **January 31, 2026**.

Mr. Soumen Kumar Dutta, learned advocate appearing for the private respondent no. 10 submits by virtue of the provisional list issued by the

Panchayat Samiti at **page 43** to the writ petition, the private respondent has been engaged. He further submits that, the petitioner having been appointed by a private agency who is the immediate employer of the petitioner, petitioner cannot maintain the instant writ petition. If any writ petition can be maintained, the same can be maintained by Menaka Enterprise.

After considering the rival contentions of the parties and upon perusal of the materials on record this Court finds that, the petitioner was engaged by Menaka Enterprise. There is no privity between the petitioner and the Panchayat Samiti neither is there any privity between the petitioner and PHE. Even if, the provisional list of operators at **page 44** is effected, it might affect the interest or right of Menaka Enterprise, if any, and not of the writ petitioner. Menaka Enterprise is the immediate employer of the writ petitioner and Menaka Enterprise has not terminated the service of the petitioner. Since the petitioner was engaged by Menaka Enterprise, the privity exists between the Menaka Enterprise and the petitioner.

Even if, the work order has not been terminated and is taken to be valid till January 2026, then also the steps taken by the Panchayat Samity appointing provisional operators cannot affect any right of the petitioner for which he can maintain this writ petition.

In view of the foregoing discussions and reasons this Court is of the firm opinion that, the petitioner has no right to maintain this writ petition.

Accordingly, this writ petition **W.P.A. 17675 of 2025** stands **dismissed**, without any order as to costs.

However, dismissal of this writ petition shall not preclude the petitioner to pursue his right, if any, has been infringed in the eye of law or if infringed in future in the eye of law in accordance with law.

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

(Aniruddha Roy, J.)