

20.05.2025
Sl. No.41
Ct.3/ tkm

W.P.A. 24059 of 2024

Smt. Rakha Barman Sarkar
Vs.
State of West Bengal & Ors.

Mr. Partha Sarkar
Ms. Megha Sarkar
... .. for the petitioner

Mr. Nazmal Hossain
Mr. Subrata Mukherjee
... .. for the State

Ms. Atreya Chakraborty
... .. for Old Malda Municipality

1. Affidavit of service is taken on record.
2. By way of the present writ petition, the petitioner is seeking a direction upon respondent no. 2 to engage the petitioner in the post of Sahayika at Jora Kalisthan Sishu Siksha Kendra or in any other adjacent ward wherever the vacancy is available.
3. It is the case of the petitioner that she was appointed in the post of Sishu Siksha Sahayika at Jora Kalisthan Sishu Siksha Kendra in the year 2008 on contractual basis and till 2014 she had been discharging her duties in the said post. However, the agreement of the petitioner in the said post of Sahayika was renewed till 2014. Thereafter, all of a sudden the remuneration has been stopped on and from 2015 and she came to

know that the Director of Local Bodies, Government of West Bengal, informed all the Chairman of the Municipality, including Old Malda Municipality that since 2014/2015 the renewal of agreement/ service of Sahayika cannot be approved, renewed who are underaged. Accordingly, the Municipal Authority did not allow her to continue in the said post.

4. Learned counsel for the petitioner submits that the petitioner is now 43 years of age and satisfies all the eligibility criteria as required for the appointment of a Sishu Siksha Sahayika, pursuant to the guidelines dated 30th May, 2000, issued by the Special Secretary, Municipal Affairs Department. It is further submitted that the respondent municipality has published a notification declaring ten vacant posts for the Sahayika, which ought to be filled up by the eligible candidates.
5. It is the contention of the petitioner that on the identical issue similarly circumstanced persons under the jurisdiction of Durgapur Municipal Corporation, Asansol Municipal Corporation Old Malda Municipality approached before his Hon'ble Court through various writ petitions and the director was directed to reconsider their cases afresh as well as to reengage them by the

said municipalities. Therefore, the petitioner should be treated with equality so far as similarly circumstanced persons are concerned and the authority shall take into account the aforesaid aspect of considering this case upon her attaining majority, which the petitioner herein has already fulfilled.

6. In view of the same, the petitioner is seeking a similar direction for her re-engagement in the said post of Sahayika afresh, in terms of the aforementioned guidelines, as she is eligible for the said appointment. The petitioner had submitted a representation dated 4.9.2024 claiming reengagement. However, no action has been taken on the said representation.
7. Learned counsel for the respondent corporation submits that the authorities are ready and willing to consider the petitioner's representation in a time bound manner.
8. This court observes that various orders have been passed by the different Co-ordinate Benches of this court directing the relevant authority to consider cases of reengagement in the post of Sahayika.
9. In light of the submissions made and without expressing any opinion on the merits of the claim, this court directs the Director of Local

Bodies to consider the reengagement of the petitioner strictly in accordance with law, in light of the observations recorded herein and particularly with reference to clause 7 (ka) of the guidelines dated 30th May, 2000, within one month from the date of communication of this order and communicate the decision to the petitioner within one week thereafter.

10. Needless to mention that this court has not gone into the merits of case of the petitioner.
11. With the above direction, the present writ petition is disposed of.
12. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)