

28.10.2025
Sl. No.10(DL)
Ct. No.42
ss/srm

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

W.P.A. No. 25727 of 2023

Kartik Malakar

Versus

The State of West Bengal & Ors.

Mr. Achyut Basu,
Ms. Punam Basu,
Mr. Anirban Saha,
Mr. Srikumar Chakraborty,
Mr. Amritansu Sengupta

...for the Petitioner.

Mr. Rajarshi Basu,
Ms. Sujata Mukherjee

...for the State.

Mr. Uttam Kumar Bhattacharyya

...for the Respondent No.4.

Mr. Tanoy Chakraborty,
Mr. Chhandak Dutta

...for the Respondent No.7.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner prays not to give any effect to the notice under Memo No. 50/BOB/PMZP/2023 dated 13th April, 2023 (Annexure P5 of the writ petition) of respondent no.5, Sabhadhipati, Purba Medinipur Zilla Parishad and seeks direction upon the respondent No.3 to conduct hearing in terms of the earlier order dated 17th March, 2023 passed in WPA 10515 of 2017.

3. The petitioner contends that he was engaged as 'Valve Operator' under National Rural Drinking Water Project (in short NRDWP) at village Purba Bakulda under Mysora Gram Panchayat upon recommendation made by Sabhadhipati, Purba Medinipur Zilla Parishad to Executive Engineer (Civil), Public Health Engineering Department, Tamluk, Purba Medinipur on 10th January, 2017 and he has been discharging his functions as 'Valve Operator' since then. The respondent no.7 approached this Hon'ble Court by way of a writ petition being WPA 10515 of 2017 with the contention of non-consideration of his candidature as a 'Valve Operator' under Tamluk Division of Public Health Engineering Directorate.

4. By order dated 17th March, 2023, the aforesaid writ petition was disposed of as follows:-

"Under such circumstances, no order can be passed directing either Zilla Parishad or the panchayat authorities to act on the basis of the recommendation, as the engagement was to be done by the Public Health Engineering Directorate. The petitioner is at liberty to approach the Public Health Engineering Directorate in accordance with law. If the petitioner approaches the authority, the issue shall be decided in accordance with law."

5. In the meantime, respondent no.5, Sabhadhipati, Purba Medinipur Zilla Parishad issued the impugned notice of hearing to the petitioner. The petitioner duly appeared before the said authority and submitted relevant papers and documents. However, no order has yet been passed. The private respondent no.7 forcibly stopped the petitioner from discharging his function and respondent no.7 informed the petitioner that he

has appointed the 'Valve Operator'. Upon enquiry from officer concerned, it has come to the knowledge of the petitioner that no such appointment has been given to respondent no.7. On 27th September, 2023, the local people has made a representation before the authority concerned. The impugned notice has been issued in excess of jurisdiction of respondent no.5 as he is not the appointing authority. The petitioner being aggrieved by such notice has approached this Court by way of a writ petition seeking direction upon the respondent No.3, Executive Engineer (Civil), Public Health Engineering Department, Tamluk, Purba Medinipur to pass a reasoned order pursuant to the order passed by this Court in earlier writ petition.

6. Mr. Achyut Basu, learned Advocate for the petitioner submits that Sabhadhipati, Purba Medinipur Zilla Parishad has no authority to issue such notice of hearing since the engagement has been made by the Public Health Engineering Department. Therefore, the Executive Engineer (Civil), Public Health Engineering Department is the appropriate authority to deal with the dispute raised by the petitioner. He seeks that the matter be relegated to the respondent No.3 to decide the issue.
7. Mr. Rajarshi Basu, learned Advocate for the State submits that till date the petitioner has not raised any grievance before the Public Health Engineering Department with regard to disputes raised in the writ

petition. Rather, he has furnished a mass petition which is totally baseless. He seeks for dismissal of the writ petition.

8. Learned Advocates for the respondent Nos. 4 & 7 also submit in the similar fashion.
9. Admittedly, the petitioner was engaged as a "Valve Operator". The petitioner has raised contention that he has been restrained by respondent no.7 from discharging his function. Needless to mention that the petitioner has not made any representation before the authority namely, Public Health Engineering Department raising such grievances.
10. In such circumstances, the petitioner is granted liberty to approach the Public Health Engineering Department by filing a representation in accordance with law and the department concerned upon receipt of such representation shall decide the issue upon notice to all the interested parties including the petitioner and respondent no.7 and dispose of the same as per with law by a reasoned order within a period of six weeks from the date of submission of such representation.
11. Such reasoned order shall be communicated to the parties within a week of passing thereof.
12. Learned advocate for the petitioner is directed to communicate this order to the respondent No.3, Executive Engineer (Civil), Public Health Engineering Department, Tamluk, Purba Medinipur.

13. With the above direction, the writ petition being **WPA 25727 of 2023** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)