

S/L 49
07.01.2025
Court. No. 3
Suvayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 229 of 2024

**Smt. Bulbuli Sarkar
Vs.
The State of West Bengal & Ors.**

Ms. Suman Sehanabis

...for the petitioner.

*Mr. Hirak Barman
Ms. Bedashruti Bose*

...for the State.

1. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ against the respondent authorities more specifically against the respondent Nos. 2, 5 and 7 directing them to allow the writ petitioner to continue her service in the post of Second Sahayieka under Durganagar Sishu Siksha Kendra, Village-Durganagar, Post Office-Sahebganj, District- Coochbehar.
2. On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it appears that it is the case of the writ petitioner that she has been selected for the post of Second Sahayieka in the aforementioned Sishu Siksha Kendra but on account of a suit filed by a disgruntled candidate even after joining in the said post the writ petitioner could not continue her service. However, in an appeal preferred by the writ petitioner the Trial Court's judgment was set aside and immediately thereafter the writ petitioner made several representation

before the respondent authorities to allow her to join in the said post.

3. It is the further case of the writ petitioner that such request of the writ petitioner was not considered favourably by the respondent authorities and on the contrary the writ petitioner was withheld to join such post on a flimsy ground of increasing educational qualification.
4. In the affidavit-in-opposition it has been contended by the respondents that the writ petitioner never joined the said post and the post in respect of which the writ petitioner's selection was made that came to be abolished in the meantime.
5. In her affidavit-in-reply the writ petitioner had annexed documents to substantiate that after receiving appointment letter from the respondent authorities she joined in the said post and put her signature in the attendance register as maintained by the respondent authorities. However, in her affidavit-in-reply the writ petitioner had merely denied that the said post has been abolished in the meantime.
6. On perusal of the copy of the alleged appointment letter as issued in favour of the writ petitioner it appears to this Court that the nature of appointment of the writ petitioner as Second Sahayieka in Durganagar Sishu Siksha Kendra is under a benevolent scheme and the said post is not a

permanent one. Since the employment in the post of Second Sahayieka is not permanent in nature, the writ petitioner cannot claim any right over such employment especially when it has been stated before this Court by the respondent authorities on affidavit that the said post is no longer in existence.

7. In view of such, this Court considers that this Court cannot grant relief to the petitioner in a vacuum.
8. Accordingly, the instant writ petition being WPA 229 of 2024 is dismissed.
9. All connected pending applications, if therebe any, are also dismissed.
10. Interim order(s), if therebe any, stand hereby vacated.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)