

W.P.S.T. 57 of 2026

**Sri Prabhakar Roy
VS.
The State of West Bengal & Ors.**

Mr. Prahlad Chandra Ghosh,
Mr. Sukumar Sarkar,
Mr. Subir Hazra,
Ms. Payel Neogi

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Somnath Naskar

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Heard the learned advocate for the writ petitioner/applicant and the learned State advocate.
3. The petitioner has approached the writ court on account of pendency of their Original Application before the West Bengal Administrative Tribunal ('Tribunal' for short). The Original Application bearing O.A. No. 55 of 2026 is pending consideration before the Tribunal which is non-functional for want of any member. The petitioner is claiming to be remediless in the circumstances, has approached the writ court relying upon decision of the Apex Court in the case of **Roger Mathew Vs. South Indian Bank Ltd. & Ors.** reported in **(2020) 6 SCC 1**.
4. We, therefore, proceeded to consider the claim.

5. The writ petitioner was earlier working as Data Entry Operator and was disengaged in the year 2021. Upon his disengagement, he assailed the order and sought relief in the form of benefits under a Notification dated 16.10.2020, which was issued for giving some security of tenure and better service conditions to contractually engaged I.T. personnel. The decision was taken, as apparent from the Notification dated 16.10.2020 since a large number of e-governance reforms including computerisation of different services was undertaken by the State Government. In order to achieve the objectives, different departments engaged I.T. personnel. This engagement of I.T. personnel was in different categories done either through the WEBEL, WTL or similar agencies.
6. The Secretary, Health & Family Welfare Department considered the petitioner's claim and passed an order dated 29.09.2022, in compliance of earlier order passed in O.A. No. 555 of 2022 by the Tribunal, enabling the petitioner to raise their claim before the Secretary. The Secretary found that the petitioner was working through PCRC & CO, a private organisation which was funded by one Rogi Kalyan Samity. The finding of the Secretary was to the effect that petitioner was

neither engaged through WEBEL, WTL; or any such similar agency. The Secretary further took note of the fact that after disengagement in 2021, the writ petitioner has been engaged as unskilled housekeeping/scavenging personnel against existing vacancy of General Duty Assistant (GDA). As on date in view of the nature of work performed by him, the Secretary found that there was no occasion for him to claim any benefit meant for I.T. personnel under a Notification dated 16.10.2020.

7. We find the sum and substance of the Secretary's order is that the writ petitioner's earlier engagement to perform some I.T. related work was through a private agency funded by the Rogi Kalyan Samity. His engagement was not through WEBEL, WTL; or such entity. It is for such reason, that claim for benefit of Notification dated 16.10.2020 was rightly found inadmissible to the writ petitioner, by the Secretary.
8. Insofar as his present appointment, the same being against unskilled housekeeping/scavenging work, the finding of the Secretary that benefit of Notification dated 16.10.2020 cannot be extended to the writ petitioner, does not require any interference whatsoever.

9. In view of the above consideration, we are of the view that the petitioner has not made out any case for interfering with decision of the Secretary dated 29.09.2022.
10. The Writ Petition is accordingly dismissed. Dismissal of the writ petition may not be considered as any expression, adverse to the petitioner's claim with respect to his present engagement as GDA.
11. As a result of disposal of the writ petition, nothing would survive in the Original Application pending before the Tribunal in O.A. No. 55 of 2026. The same stands disposed of accordingly.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)