

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Through Video Conference)

WPA 6377 of 2021

Raj Kumar Pal & Ors.
Vs.
State of West Bengal & Ors.

Mr. Subir Sanyal
Mr. Udaynarayan Betal
... For the petitioners

Mr. Swapan Kumar Datta
Mr. Dipankar Dasgupta
... For the State

Ms. Sutapa Sanyal
Me. Debrup Bhattacharjee
Mr. Pradeep Kumar Tulsyan
... For the respondents no.2 & 3

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

Nine persons have joined as petitioners, inter alia, to challenge an order of compliance dated 5th March, 2019 passed by the Chief Executive Officer, West Bengal State Agricultural Marketing Board, although each one of them has a separate individual cause.

Court fees have been paid in respect of only one petitioner. The petitioners are directed to pay the deficit court fees in respect of other eight petitioners within 27th September, 2021, failing which the writ petition will be treated to have been filed only by the petitioner no.1.

The petitioners say that they are working as Group-D employees in Bankura Regulated Market Committee (in short “BRMC”) on temporary basis. The petitioners further say that in an affidavit filed by the Assistant Secretary to the Government of West Bengal, Agricultural Marketing Department, affirmed on 3rd October, 2016 in WP 4077 (W) of 2015, WP 4078 (W) of 2015, WP 4079 (W) of 2015, WP 4080 (W) of 2015 and WP 4081 (W) of 2015, which is also referred to in an order dated 8th May, 2018 passed therein, the State has said that the case of 204 appointees in Regulated Market Committees of different district in West Bengal, a liberal view has been taken in exercise of the powers conferred under West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 (hereinafter referred to as the “said Act”) to regularise their service, though such appointments are tainted with irregularities. The order dated 8th May, 2018 although is in respect of the writ petitioners in the said writ petitions, but in compliance of the direction given in the said order, the Chief Executive Officer, West Bengal State Agricultural Marketing Board, has conducted an enquiry which resulted in passing of the said order dated 5th March, 2019, which is under challenge in the writ petition. The affidavit referred to by the petitioners to have been filed in the writ petitions, being WP 4077 (W) of 2015, WP 4078 (W) of 2015, WP 4079 (W) of 2015, WP 4080 (W) of 2015 and WP 4081 (W)

of 2015, however, not on record. The said affidavit should be brought on record.

The petitioners say that they have obtained a certified copy of the said affidavit. The said affidavit be brought on record by way of a supplementary affidavit.

Let such supplementary affidavit be filed by 27th September, 2021.

The order impugned is dated 5th March, 2019. The writ petition has been filed on or before 2nd March, 2021 after two years. That apart and in any event, the order impugned clearly states that there is no scope of the services of the petitioners being terminated immediately. The petitioners are still working.

Considering these aspects, I find that there is no scope of passing any interim order at this stage. After filing of the supplementary affidavit, the respondents shall be entitled to file a composite affidavit dealing with the writ petition as also the supplementary affidavit.

Such affidavit-in-opposition be filed by 9th November, 2021. Reply, if any thereto, be filed by 23rd November, 2021.

The parties will be at liberty to mention the matter for inclusion in the list under the heading "Hearing" after completion of affidavits or in case affidavits are not filed after expiry of the time period provided in this order for filing of the same.

It is made clear that any decision taken by the respondents in respect of the petitioners services shall abide by the result of the writ petition.

(Arindam Mukherjee, J.)