

02.01.2025
Item No.13
gd/ssd

WPA(P)/428/2024

SANDIPAN KHAN
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debashis Banerjee,
Ms. Gargi Roy
..for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Debangshu Dinda,
Mr. Ritesh Kumar Ganguly
..for the State.

Mr. Ashok Banerjee, ld. Sr. Adv.
Mr. Rajendra Chaturvedi
..for Rishra Municipality.

Ms. Koyeli Bhattacharyya
..for WB Municipal Service Commission.

1. By this public interest writ petition the petitioner alleges that recruitment in municipalities has been made directly by the respective municipality without approaching the West Bengal Municipal Service Commission which was constituted by West Bengal Act XII of 2018 and published in the Kolkata Gazette dated 13th September, 2018.

2. By notification dated 2nd January, 2019 the Chairman and Members were appointed to the Commission and it appears to have become functional.

3. Thereafter the Urban Development and Municipal Affairs Department, Government of West Bengal issued a notification dated 9th January, 2019 advising all the Chairpersons of the Municipality that henceforth all recruitments of personnel shall be made through West Bengal Municipal Service Commission and the Urban Local Bodies and Development Authorities shall send requisition for selection of personnel to the Commission directly as and when required.

4. The petitioner's grievance appears to be in respect of recruitments done by various municipalities prior to January, 2019 which obviously cannot be scrutinized or reopened at this distance of time.

5. So far as the notification dated 9th January, 2019 wherein it has been clearly stated that on and after the said notification all recruitments of personnel shall be done through the West Bengal Municipal Service Commission.

6. Therefore, the Government shall issue appropriate orders reiterating the directions given in the notification dated 9th January, 2019 and ensure that all the Urban Local Bodies and Development Authorities shall henceforth make all recruitments of personnel through the West Bengal Municipal Service Commission.

7. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)