



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS, KOLKATA

P.O (H)
Will you pl.
keep one in this
regard?
3/10/10

No. 339/C-12/M/35-40/2009

Dated, Kolkata,
the 23rd September, 2010.

From : Dr. Kallol Kr. Mukherjee,
Joint Secretary to the Govt. of West Bengal.

✓ To : The Director, S.U.D.A., Salt Lake, Kolkata-700 091.

Sub : Intimation about engagement of Lawyer in
W.P.NO. 5581(W) of 2009.

Dr. Sailendra Kr. Chowdhury

-vs-

The State of West Bengal & Ors.

AD
for ma. pl.
8/10

Sir,

With reference to your letter, SUDA-Health/05(Pt.1)/08/212 dtd.13.09.2010, I am directed to intimate you that Smt. Rina Basu, Advocate in category-A, High Court, Kolkata has already been engaged by Ld.L.R. for defending the state in the W.P. as mentioned in the subject above.

You may also please contact the said lawyer with supporting papers for briefing.

Yours faithfully,

RA 23/09/10.

Joint Secretary.

dk/



**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS, KOLKATA-700 001.**

No. 338/C-12/M/3S-40/2009.

Dated, Kolkata, the 23rd September, 2010.

**From : Dr. Kallol Kr. Mukherjee,
Joint Secretary to the
Government of West Bengal.**

**To : The Ld. Addl. Joint L.R.,
2 & 3, K.S. Roy Road,
City Civil Court Building, (5th Floor),
Kolkata - 70 0001.**

Sub : Engagement of Lawyer.

Sir,

Enclosing a copy of an order of the Office of the Ld. L.R dated 21/04/2009, I am directed to request you to issue formal order of appointment in favour of Smt. Rina Bose, Advocate in category- A High Court, Kolkata to defend the State respondents in W.P. No.5581 (W) of 2009.

It is also added here that Smt. Bose has already been contacted and given brief of the concerned case by this Department.

This may please be treated as urgent.

Yours faithfully,

*Sd/- Kallol Kr. Mukherjee
Joint Secretary.*

No. 338/1(3)/C-12/M/3S-40/2009.

Dated, Kolkata, the 23rd September, 2010.

Copy forwarded for information and necessary action to:-

1. Smt. Rina Bose, Advocate in category-A, Bar Association Room No.-1,
High Court, Kolkata- 700 001.

✓ 2. The Director, SUDA, Salt Lake, Kolkata - 700 091.

3. Office Copy.

*h/ 23/9
Joint Secretary*

SUDA

STATE URBAN DEVELOPMENT AGENCY

HEALTH WING

"ILGUS BHAVAN"

H-C BLOCK, SECTOR-III, BIDHANNAGAR, CALCUTTA-700 091

West Bengal

Ref No. SUDA-Health/05(Pt. - I)/08/212

Date13.09.2010

From : Director, SUDA

To : Shri K.C. Mondal
Jt. Secretary, MA Dept.

Sub. : Writ petition filed with Hon'ble High Court at Calcutta, before the Hon'ble Justice, Soumitra Pal, as listed motion on 15.09.2010 or so soon thereafter - Engagement of a Lawyer.

Sir,

Enclosed please find the communication of Shri Ashis Kumar Chowdhury, Ld. Advocate, High Court, Calcutta dt. 08.09.2010 in respect of WP No. 5581(W) of 2009 filed by Dr. Sailendra Kumar Chowdhury, where the undersigned is one of the defendants.

In this connection this is to state that you were requested to engage Lawyer for the instant case vide this office communication no. SUDA-Health/05/08/10 dt. 06.04.2009 (copy enclosed for ready reference).

Statement of fact is also enclosed. ✓ You are requested kindly to look into the matter for taking further necessary action relating to engagement of Lawyer. Expenses in this connection will be borne by SUDA.

Thanking you.

Enclo. : As stated.

Yours faithfully,



Director, SUDA

Statement of facts

Sl. No.	Topic	Annexure No.
1.	Communication of Dept. of Municipal Affairs bearing no. 1181/MA/C-10/3S-55/2005 dt. 28.09.2007 on temporary engagement of Medical Officer under Community Based Primary Health Care Services (CBPHCS)	I
2.	Dr. Sailendra Kumar Chowdhury was temporarily engaged by Sainthia Municipality as Medical Officer @ Rs. 300/- per day not exceeding Rs. 6,000/- in a month for a period of six months w.e.f. 31.01.2008 as stop gap measure vide communication of the Chairman, Sainthia Municipality bearing no. 386/SM/2008 dt. 08.02.2008.	II
3.	As Sainthia Municipality could not engage Health Officer, central advertisement was floated by SUDA on 01.02.2009 along with insertion in the website of Dept. of Municipal Affairs inviting application from the eligible candidates as per GO No. 451/MA/C-10/3S-55/2005 Pt. dt. 22.04.2008 and 846/MA/C-10/3S-55/2005 Pt.-I dt. 08.08.2008.	III & IV
4.	The Chairman, Sainthia Municipality forwarded the list of nine applicants (in response of central advertisement) amongst which only six candidates were within the specified age group i.e. 32 years and in respect of experience the qualifying applicants were only two who were beyond the prescribed age group. Dr. Chowdhury is one of the applicant, having experience of 30 years plus but beyond the age of 32 years.	V
5.	Communication of the Chairman, Sainthia Municipality bearing no. 1071/SM/2009 dt. 26.03.2009 enclosing communication of Shri Ashis Chowdhury, Ld. Advocate, Calcutta High Court, enclosing copy of WP No. 5581(W) of 2009.	VI
6.	Communication of the Chairman, Sainthia Municipality bearing no. 4040/SM/2009 dt. 04.12.2009 forwarding application of Dr. Sailendra Kumar Chowdhury praying extension for one year and enhancement of remuneration to Rs. 18,700/-.	VII
7.	Reply of Director, SUDA to the Chairman, Sainthia Municipality vide no. SUDA-Health/05/08/571 dt. 19.01.2010 wherein Director, SUDA express inability to offer any advice / views as the matter is subjudice.	VIII

[Handwritten Signature]

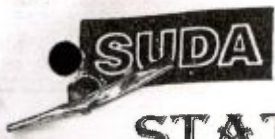
DR. S. GOSWAMI
Project Officer,
Health Wing
S. U. D. A.

Statement of facts

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[Handwritten Signature]

DR. S. GOSWAMI
Project Officer,
Health Wing
S. U. D. A.



Annexure - VIII

STATE URBAN DEVELOPMENT AGENCY

HEALTH WING
"ILGUS BHAVAN"

H-C BLOCK, SECTOR-III, BIDHANNAGAR, CALCUTTA-700 091
West Bengal

Ref No.SUDA-Health/05/08/571

Date19.01.2010

From : Director, SUDA

To : The Chairman
Sainthia Municipality

Sir,

With reference to your communication vide memo no. 4040/SM/2009 dt. 04.12.2009, I am to state that since Dr. S.K.Chowdhury has filed a Writ Petition bearing no. 5581(W) of 2009 in this regard before the Hon'ble High Court, Calcutta and the matter is subjudice, the undersigned is not in a position to offer any advice / views at present.

Yours faithfully,


Director, SUDA

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY
P.O. - SAINTHIA ✪ DIST. - BIRBHUM

From: The Chairman / Vice Chairman

Memo No. 4040 /SM/2009

SAINTHIA MUNICIPALITY

Dated. 04.12.2009.

To
The Director,
State Urban Development Agency
(Health Wing)
ILGUS Bhavan,
HC Block, Sector-III
Bidhannagar, Kolkata-700106



PO (H)
L
14/11/09

Sub: - Engagement of Health Officer under CBPHCS
Programme in Sainthia Municipality.

Sir,

Enclosed, please find herewith a xerox copy of the application dated 13.11.2009 of Dr. Sailendra Kumar Chowdhury, existing Medical Officer under CBPHCS Programme of Sainthia Municipality, which will speak for itself. A copy of this office memo no. 1071/SM/2009 dated 26.03.2009 alongwith enclosures is furnished herewith again to you with the request kindly to advise us as to the rightful course of action is to be taken from this end in respect of the above stated application dated 13.11.2009 of Dr. Sailendra Kr. Chowdhury.

An early reply in the matter is requested.

Enclo: - As stated.

Yours faithfully,

B.L. Parashar.
04.12.09

Chairman,
Sainthia Municipality
SAINTHIA, BIRBHUM

Nov 13, 2009.

To
The chairman
Sainthia, Birbhum

Dear Sir,

My present term expires on 31 January, 2010. I pray to you to extend my tenure further for subsequent period as it may prove essential to you. It would be helpful to me if

1. One year extension is allowed by you.
2. The wages are recast at Rs 18,700.00 as is being paid to the HO of Taki, Dumdum, Arambagh and many other municipalities under CBPHCS Programme funded by SUDA.

Consequently, you must be aware that I as a MO has been performing all the duties of HO as has been ordered by the Director, SUDA and truly I left no gap in carrying out each and every duties of the HO, The Sainthia municipality is the only and only municipality in the whole district of Birbhum, which is continuing with the School Health programme in due sincerity and dedication under the leadership of the MO/ HO. The inputs of success in school health would be made available to you by the MO in a special file maintained exclusively in the office to help you present the uncommon, rare cases to the higher authorities whenever you decide with latest reports. Pledging my sincere continued service to the municipality and your good offices.

Yours truly

Sailendrakumar Chowdhury

Dr Sailendra Kumar Chowdhury
MBBS(Cal), MS(Cal)
Asirwad Nursing Home
Netaji Subhash Sarani
Sainthia, Birbhum, 731234.
Ph: (03462) 262-365.

Medical Officer
CBPHCS Programme
Sainthia Municipality.

Prayer for extension of tenure may be placed in the next meeting of B.O.C., if approved

To Chairman

B.K. Dasgupta
19.11.09

19/11/09

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O.-SAINTHIA 0 DIST.-BIRBHUM

*From: The Chairman / Vice Chairman
SAINTHIA MUNICIPALITY*

*Memo No. 1071 /SM/2009
Dated 26.03.2009*

To,
The Director,
State Urban Development Agency,
ILGUS BHAVAN, HC Block,
Sector-III, Bidhannagar,
Kolkata-700106;

Sub.:- W.P. No.5581 (w) of 2009
Dr. Sailendra Kr. Chowdhury
Vs
State of West Bengal & Ors.

Sir,

Enclosed, please find, herewith the copy of the letter of dated 20.03.2009 of Sri Ashis Chowdhury, Ld. Advocate, Calcutta High Court along with its enclosures relating to the above noted subject.

A copy of the S.F. in this regard is also furnished herewith from this end for favour of your kind perusal and taking necessary action.

Encl.:- As stated:

Yours faithfully,

Karzi Kamal Hossain

*Chairman,
Sainthia Municipality
SAINTHIA, BIRBHUM*

26.3.2009

Ole

Re. :- W.P.No.5581 (w) of 2009
Dr. Sailendra Kumar Chowdhury
Vs
State of West Bengal & Ors.

Statement of Facts :-

Para- 1 to 3 : - No comments

Para- 4 : - That the petitioner namely Dr. Sailendra Kumar Chowdhury, resident of Netaji Subhas Sarani, P.O.+ P.S.-Sainthia, Dist.-Birbhum, was engaged as Medical Officer under Community Based Primary Health Care Services in Sainthia Municipality vide this office Memo No.301/SM/2008 dated 31.01.2008 for 6 (six) months per day attendance basis at Rs.300/- per day subject to maximum of Rs.6, 000/- in a month as per relevant Government instruction in this regard and which was clearly mentioned in our relevant advertisements published in the notices inclusive of that published in the local news papers like Saptahik Didibhai & Naya Prajanma Patrika.

Para- 5 to 11 : - That your said petitioner joined on 01.02.2008 as Medical Officer under CBPHCS Programme in this Municipality and his term of said engagement was extended for 2 (two) months w. e. f. 01.08.2008 and subsequently for a further period of 6 (six) months w. e. f. 01.10.2008.

That meanwhile the State Urban Development Agency (Health Wing) authorities informed as to the matter of recruitment of Health Officer and they brought out advertisement in respect of recruitment of Health Officers under CBPHCS Programme in the Urban Local Bodies.

That apropos of the said advertisement some candidates along with your petitioner submitted applications to this office for recruitment as a Health Officer under CBPHCS Programme in this Municipality and a brief description as to those candidates have been furnished to the Office of the SUDA (Health Wing) with the request to advice this office as to course of action might be taken from this end in the very matter vide this office No.671/SM/2009 dated 25.02.2009 and No.822/SM/2009 dated 28.02.2009 (copy enclosed, marked as Annexure "A" & "B")

That since then having not been intimated as to the action need be taken from this end as asked for in the very letter your petitioner vide No.847/SM/2009 Dated 04.03.2009 (copy enclosed, marked as Annexure-'C'), has further been engaged as Medical Officer w. e. f. 02.04.2009 to 31.07.2009 under CBPHCS Programme in this Municipality in anticipation of approval of the SUDA in this regard..

Para- 12 to 15 : - The authorities of the State Urban Development Agency (Health Wing) is the competent authority to act and react.

Karzi Kamal Hossain

Chairman,
Sainthia Municipality
Sainthia, Birbhum

26.3.2009



Ashis Kumar Chowdhury

Advocate

HIGH COURT CALCUTTA
Bar Association Room No.
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : tarassohccal@vsnl.net
Residence

High Court Chamber :
5, Old Post Office Street,
5th Floor, Kolkata - 700 001
Phone : (033) 3022 1407
Fax : (033) 2831-0001
Mobile : 98301 92207

68239

Sainthia Municipality

received on 25/3/09 File No. 311

Date : 20.03.2008

To
The Chairman,
Sainthia Municipality,
P.O. Sainthia, Dist. Birbhum.

Ref : W.P. No.5581 (W) of 2009
Dr. Sailendra Kumar Chowdhury
.....Petitioner.

-Versus-
The State of West Bengal
.....Respondent.

Dear Sir,

This is to inform you that the aforesaid writ application has been initiated by the petitioner challenging the inaction on the part of the respondent authorities, particularly respondent no.5 herein by not considering the representation dated 09.02.2007 and 27.02.2009 and the aforesaid writ application is pending before the Hon'ble High Court at Calcutta for adjudication.

I am sending herewith Xerox copy of the aforesaid writ application along with all annexures which shall be moved before the Hon'ble Justice on 25.03.2009 or so soon thereafter as and when the business of the Court will permit. Please be present at the time when the matter shall be taken up by His Lordship Hon'ble Justice Tapen Sen.

In the circumstances stated above I request you not to disturb the service of the petitioner till the disposal of the writ application, which please note.

Thanking You,

Yours faithfully,

Encls:- As stated above.

Ashis Kumar Chowdhury
Advocate

Jry
.. Petitioner

Ors.
.. Respondents

LIST SHOWING DETAILS OF CANDIDATES WHO HAVE SUBMITTED APPLICATIONS FOR ENGAGEMENT AS HEALTH OFFICER UNDER C.B.P.H.C.S. PROGRAMME IN SAINTHIA MUNICIPALITY IN THE DISTRICT OF BIRBHUM, W.B.

Enclave to Memo. no. 671/SWC/2009 dated 25.02.2009

Sl. No.	Name of the Candidate	Date of Birth	Age (as on 20.02.2009)	Caste	Qualification	Experience	Remarks
1.	Smt. Keka Pandey	03.02.1983	26Y. 17D.	General	M.B.B.S.	NIL	
2.	Sri Goutam Nemo	04.01.1982	27Y. 1M. 16D.	General	M.B.B.S.	1 Year 9 Months	
3.	Sri Atanu Banerjee	29.12.1980	28Y. 1M. 22D.	General	M.B.B.S.	10 Months	
4.	Sri Prasenjit Mitra	27.09.1979	29Y. 4M. 24D.	General	M.B.B.S.	1 Year	
5.	Smt. Susmita Sahu	22.12.1980	28Y. 2M. 29D.	General	M.B.B.S.	NIL	
6.	Sri Rakhes Basak	21.10.1980	28Y. 3M. 29D.	General	M.B.B.S.	NIL	
7.	Sri Rajesh Majhi	06.12.1976	32Y. 2M. 14D.	General	M.B.B.S. & D.T.M. & H.	1 Year 3 Months	
8.	Sri Uday Chand Ghosh	19.10.1976	32Y. 4M. 1D.	O.B.C.	M.B.B.S.	2 Years +	
9.	Sri Sailendra Kr. Chowdhury	09.02.1954	55Y. 11D.	General	M.B.B.S. & M.S.	30 Yrs. +	

Compiled by me on verification of relevant papers

Zeeshan Das

Checked & Verified

25/2/2009

Head Clerk, Sainthia Municipality

Seen & Submitted before the Chairman, Sainthia Municipality for perusal & necessary action

[Signature]

Executive Officer, Sainthia Municipality

(KAZI KAMAL HOSSAIN)

Chairman,
Sainthia Municipality

Kazi Kamal Hossain
25.02.09

A-Memo-Annex

UDA

Sainthia Municipality
Received on 11.02.2009

STATE URBAN DEVELOPMENT AGENCY

HEALTH WING
"ILGUS BHAVAN"H-C BLOCK, SECTOR-III, BIDHANNAGAR, CALCUTTA-700 091
West Bengal

Ref No.SUDA-Health/66/08/400(43)

Date11.02.2009

From : Director, SUDA

To : The Chairman

.....Sainthia..... Municipality

Sub. : Engagement of Health Officer at ULB

Sir / Madam,

Further to this office communication bearing no. SUDA-63 ULBs/34/08/334(63) dt. 18.12.2008, this is to inform you that a central advertisement has already been floated by SUDA in three leading dailies i.e. Anandabazar, Telegraph & Ganashakti on 1st February, 2009. The detailed particulars (copy of the same is enclosed for ready reference) in respect of application for the post of HO have been inserted in the website namely www.changeekolkata.org/jobs/html and www.wbdma.gov.in. The last date of sending such application by the applicant to the Chairman of the respective Municipality is 20.02.2009

You are requested to furnish the following information in the format given below by 25th February, 2009 positively.

Total no. of applications received	No. of applications qualifying the set criteria for selection

You are also requested to select the Health Officer by the Selection Committee constituted for the purpose maintaining the norms as laid down in the Govt. order nos. 451/MA/C-10/3S-55/2005 Pt. dt. 22nd April, 2008 and 846/MA/C-10/3S-55/2005 pt. dt. 8th August, 2008. After selection, the candidature is to be vetted by the BOC. Name of Health Officer along with date of joining be furnished to the undersigned for office record.

Thanking you.

Enclo. : As stated.

Yours faithfully,



Director, SUDA

Contd. to P-2.

- 2 -

SUDA-Health/66/08/400(43)/1(2)

Dt. .. 11.02.2009

Copy forwarded for kind information to:

1. Special Secretary, Dept. of Municipal Affairs
2. Project Officer, Health, SUDA

Director, SUDA

for insertion in the website :

Community Based Primary Health Care Services (CBPHCS) in 63 Non- KMA (Kolkata Metropolitan Area) Urban Local Bodies (ULBs) has been taken up with the budgetary support of Health & Family Welfare Dept. in line with Community Based Health Care Programmes implemented earlier in the remaining Urban Local Bodies under various other Health projects. For successful and smooth implementation of the scheme, one Health Officer is to be engaged in the respective ULBs on yearly contract basis with contractual remuneration.

Name of the Post : Health Officer for Municipality

Last Date of submission : 20.02.2009 upto 4.00 p.m.

Qualification : Candidate must have minimum qualification of MBBS from any recognized University. A service Officer with essential qualification may also apply through proper channel.

Age : 32 years on the last date of birth subject to the relaxation as per Govt. rules for candidates belonging to SC / ST / OBC categories.

Experience : Two years practicing experience.

Job Profile :

- Technical head for implementation of Community Based Primary Health Care Service scheme, Urban Health in the Municipality
- Will be responsible for implementation, monitoring & supervision of Urban Health i.e. Primary Health care, Public Health and National Health Programmes
- To organise training and capacity building of the personnel concerned
- Liaison with District / Sub-Division / Rural Health Offices, Chairman of the ULB and Management & Supervision (M & S) Cell at SUDA
- Timely submission of Reports & Returns to District / Sub-Division Health Offices, Chairman and onward submission to M & S Cell, SUDA under the signature of the Chairman
- Arrange to obtain immunization, FW and IEC materials from District / Sub-Division Health Offices
- Proper maintenance of records in respect of stores, furniture, equipment, medicines and others and arrange distribution of the same to the appropriate health facilities
- Render guidance and instruction to the Medical Officer, Sanitary Inspector, Computer Assistant, Accounts Assistant, Multipurpose Helper cum SK cum Clerk, Health Assistant of Management & Supervision Cell
- Detailing out of general work plan along with time frame and monitoring of the work as per laid down target
- Responsible for local procurement as will be laid down
- To conduct periodical review meeting with grass root level functionaries and personnel of M & S Cell, maintenance of minute book
- To attend different training, meetings, seminars / workshops
- To attend clinics at Sub-Centre wherever required
- In addition, to perform such other functions as may be entrusted to him by the Chairperson of Municipality

Pay : Contractual remuneration will be fixed taking into account the initial basic pay in the scale of Rs. 8,000/- - 13,500/- plus Dearness Pay as well as Dearness Allowance as is admissible on the date of contractual appointment.

How to submit application : The application is to be addressed to :

The Chairman, Municipality,

Address of the Municipality" (to be noted down from the attached Annexure)

And is to be sent in a sealed envelop, clearly writing on the top "Application for the post of Health Officer for Municipality".

The sealed envelop shall contain :

- a) One forwarding letter
- b) CV in the prescribed format as given below :

Personal Information			
Name			
Date of Birth			
Mailing Address			
Permanent Address			
Contact No.		Landline : Mobile :	
E-mail address, if any			
Academic Qualification :			
Degree	University	Institution	Year
Job Experience (start with the latest)			
Present Employer			
Designation			
Increment			
Job Responsibility			

Signature

- c) Photocopies (Xerox) of degree / certificate for documentary evidence in respect of age proof, academic qualification & other testimonials etc.

Government of West Bengal
Municipal Affairs Department
Writers' Buildings, Kolkata-700 001.



No.846/MA/C-10/3S-55/2005 Pt.I

Dated, the 8th Aug., 2008.

MEMORANDUM

Sub : Engagement of Health Officer under CBPHCS Scheme

Clarifications on a number of points in connection with this Department Notification No. 451/MA/C-10/3S-55/2005 Pt. dated 22.4.2008 regarding the captioned subject, were sought by different ULBs from time to time.

The Govt. in this Department is pleased to clarify the points raised as follows

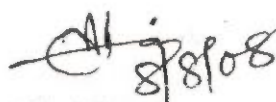
1. The contractual remuneration to be reckoned as indicated in the said Notification, may however differ from time to time arising out of difference of the rate of D.A. admissible on the date of contractual engagement or date of renewal of contractual engagement of a H.O. but in no way it will include M.A. or H.R.A. or N.P.A or increment in Pay or other allowance or benefit. However, total contractual remuneration will remain unaltered for one year counted from the date of contractual engagement.
2. Contractual engagement will be made for one person for one ULB for 1(one) calendar year and thereafter if found satisfactory, it may be renewed for further 1(one) year with a gap of atleast 1(one) day between two contracts and so on, until any communication is made in the meantime, otherwise.
3. The contractual remuneration to the Health Officer is to be paid out of the fund allotted on account of CBPHCS Scheme.
4. Reservation of post for SC/ST/OBC shall be Governed by the existing Circular of the Govt. But there is no mandate to reserve a post for any category having single contractual employee of that post.
5. The maximum age limit for contractual engagement of a candidate for the first time is fixed at 32 years on the last date-of-birth subject to the relaxation as per Govt. rules for candidates belonging to SC/ST/OBC categories
6. The Health Officer so engaged shall be entitled to leave as admissible under Rule 213 of the West Bengal Service Rules, Part-I of the Govt. of West Bengal.
7. The Chairman of the concerned ULB or any person designated by him for the purpose shall act as the leave sanctioning authority. In case of any dispute as to the leave, the matter will be settled by the DLB., West Bengal.

No. 846/1(160)/MA/C-10/3S-55/2005 Pt.I

Dated, the 8th Aug., 2008.

Copy forwarded for information & necessary action to the :

1. Pr. Accountant General (A&E), W.B., Treasury Buildings, Kolkata-700 001.
2. Mayor/Chairperson, _____, Corporation/Municipality,
P.O. _____ Dist. _____.
3. Commissioner/Chief Executive Officer, _____ Municipal Corporation,
P.O. _____, Dist. _____.
4. Pr. Secretary. H & F.W. Deptt., Swasthya Bhavan, GN-29, Sector-V, Salt Lake, Kolkata-106
5. District Magistrate, _____
P.O. _____ Dist. _____.
6. Project Director, (HSDI), Commissioner, Family Welfare & Spl.Secy., Govt. of W.B.,
Swasthya Bhavan, 4th floor, Wing-B, GN-29, Sector-V, Salt Lake, Kolkata-106.
7. Director of Local Bodies, W.B., Purta Bhavan, West Bengal.
8. Director, State Urban Development Agency, West Bengal
- ✓ 9. Project Officer, Health Wing, SUDA, West Bengal.
10. Finance Department, Gr.P (Services) , Govt .of West Bengal.
11. P.S. to M.I.C., M.A. & U.D Department of this Government.
12. P.A. to the Principal Secretary of this Department.
13. P.A. to the Special Secretary (A.Roy) of this Department.
14. Shri Milan Bose, Cell-10 of this Department.
15. Guard file of Cell-10 of this Department.


Joint Secretary

C/P-13) Annexure IV

**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS, KOLKATA.**

No. 451/MA/C-10/3S-53/2005 Pt.

Dated, Kolkata, the 22nd April, 2008.

NOTIFICATION

A project for taking up Community Based Primary Health Care Services (CBPHC) in 63 Non-XMA Urban Local Bodies (ULBs) has been taken up with the budgetary support of Health & Family Welfare Department in line with the Community Based Health Care Programmes implemented in the remaining Urban Local Bodies earlier under various other Health Projects. For successful and smooth implementation of the Scheme, one Health Officer is required to be engaged in each ULB on contract basis with contractual remuneration. The matter was under active consideration of the Government for sometime past.

2. After careful consideration of all aspects, the Governor has been pleased to accord sanction to the creation of 63 posts of Health Officer, for the 63 ULBs, for covering Community Based Primary Health Care Services (CBPHC). The Health Officer shall be engaged by the concerned Urban Local Body on contractual basis.

3. The contractual remuneration of the Health Officer will be fixed taking into account the initial basic pay in the Scale of Rs.8000-13500/- plus Dearness pay as well as Dearness Allowance as is admissible on the date of contractual appointment.

4. The Selection of the Health Officer will be made through a selection process by the respective Urban Local Bodies in the manner stated below:-

- a) Names of Candidates be invited through Notification at least in two daily newspapers (1 Bengali, 1 English).
- b) Candidates must have minimum qualification of MBBS from any recognized University with desirable qualification of 2 years' practicing experience.
- c) Conditions regarding minimum and maximum age and other criteria on nationality & caste shall be governed by the existing orders of the Government for recruitment of Medical Officers.
- d) A Committee comprising Chairperson of the respective ULB as the Chairman, representative of the District Magistrate, representative of the Chief Medical Officer of Health of the district, an officer nominated by the Director of Local Bodies or the other members shall conduct the selection process.

5. This order entails discontinuation of the service of Medical Officer who are now continuing in the Urban Local Bodies on contractual pay of Rs.300/- per day subject to a maximum of Rs.6000/- per m.

6. This order issues with the approval of the Cabinet and concurrence of Finance Department vide U.O.No.625 Gr.P(Service) dated 21.2.2008.

7. The Principal Accountant General (A&E), West Bengal and all others concerned are being informed accordingly.

By order of the Governor.

No.451/1(160)/MA/C-10/38-55/2005 P.C.I. Dated, Kolkata, the 22nd April, 2008.

Copy forwarded for information and necessary action to the:-

1. Pr. Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-700 001.
2. Mayor/Chairperson, _____ Corporation/Municipality,
P.O. _____, Dist. _____.
3. Commissioner/Chief Executive Officer, _____ Municipal Corporation,
P.O. _____, Dist. _____.
4. Pr. Secretary, Health & Family Welfare Department, Swastha Bhavan, GN-29, Sector-V,
Salt Lake, Kolkata-700 091.
5. District Magistrate, _____
P.O. _____, Dist. _____.
6. Project Director, (HSDI), Commissioner, Family Welfare & Spl. Secy., Govt. of West
Bengal, Swastha Bhavan, 4th floor, Wing-B, GN-29, Sector-V, Salt Lake, Kolkata-106.
7. Director of Local Bodies, West Bengal, Purta Bhavan, Salt Lake, Kolkata-91.
8. Director, State Urban Development Agency, West Bengal.
9. Project Officer, Health Wing, SUDA, West Bengal.
10. Finance Department, Gr. P (Services)/R, of Govt. of West Bengal.
11. P.S. to M.I.C., M.A. & U.D. Department of this Govt.
12. P.A. to the Principal Secretary of this Department.
13. P.A. to the Special Secretary (A. Roy) of this Department.
14. Milan Bosa, Cell-10 of this Department.
15. _____
File of Cell-10 of this Department.

22.04.08
Joint Secretary.

Matter for insertion in the website :

Community Based Primary Health Care Services (CBPHCS) in 63 Non-KMA (Kolkata Metropolitan Area) Urban Local Bodies (ULBs) has been taken up with the budgetary support of Health & Family Welfare Dept. in line with Community Based Health Care Programmes implemented earlier in the remaining Urban Local Bodies under various other Health projects. For successful and smooth implementation of the scheme, one Health Officer is to be engaged in the respective ULBs on yearly contract basis with contractual remuneration.

Name of the Post : Health Officer for Municipality

Last Date of submission : 20.02.2009 upto 4.00 p.m.

Qualification : Candidate must have minimum qualification of MBBS from any recognized University. In service Officer with essential qualification may also apply through proper channel.

Age : 32 years on the last date of birth subject to the relaxation as per Govt. rules for candidates belonging to SC / ST / OBC categories.

Experience : Two years practicing experience.

Job Profile :

- ◆ Technical head for implementation of Community Based Primary Health Care Service scheme, Urban Health in the Municipality
- ◆ Will be responsible for implementation, monitoring & supervision of Urban Health i.e. Primary Health care, Public Health and National Health Programmes
- ◆ To organise training and capacity building of the personnel concerned
- ◆ Liaison with District / Sub-Division / Rural Health Offices, Chairman of the ULB and Management & Supervision (M & S) Cell at SUDA
- ◆ Timely submission of Reports & Returns to District / Sub-Division Health Offices, Chairman and onward submission to M & S Cell, SUDA under the signature of the Chairman
- ◆ Arrange to obtain immunization, FW and IEC materials from District / Sub-Division Health Offices
- ◆ Proper maintenance of records in respect of stores, furniture, equipment, medicines and others and arrange distribution of the same to the appropriate health facilities
- ◆ Render guidance and instruction to the Medical Officer, Sanitary Inspector, Computer Assistant, Accounts Assistant, Multipurpose Helper cum SK cum Clerk, Health Assistant of Management & Supervision Cell
- ◆ Detailing out of general work plan along with time frame and monitoring of the work as per laid down target
- ◆ Responsible for local procurement as will be laid down
- ◆ To conduct periodical review meeting with grass root level functionaries and personnel of M & S Cell, maintenance of minute book
- ◆ To attend different training, meetings, seminars / workshops
- ◆ To attend clinics at Sub-Centre wherever required
- ◆ In addition, to perform such other functions as may be entrusted to him by the Chairperson of Municipality

Pay : Contractual remuneration will be fixed taking into account the initial basic pay in the scale of Rs. 8,000/- - 13,500/- plus Dearness Pay as well as Dearness Allowance as is admissible on the date of contractual appointment.



How to submit application : The application is to be addressed to :

"The Chairman, Municipality,

Address of the Municipality" (to be noted down from the attached Annexure)

And is to be sent in a sealed envelop, clearly writing on the top "Application for the post of Health Officer for Municipality".

The sealed envelop shall contain :

- a) One forwarding letter
- b) CV in the prescribed format as given below :

Personal Information			
Name			
Date of Birth			
Mailing Address			
Permanent Address			
Contact No.		Landline : Mobile :	
e-mail address, if any			
Academic Qualification :			
Degree	University	Institution	Year
Job Experience (start with the latest)			
Present Employer			
Designation			
Emolument			
Job Responsibility			

Signature

- c) Photocopies (Xerox) of degree / certificate for documentary evidence in respect of age proof, academic qualification & other testimonials etc.

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Bankura	1	Sonamukhi	Sonamukhi Municipality P.O.- Sonamukhi, Dist.- Bankura, PIN - 722 207.	1
Birbhum	2	Dubrajpur	Dubrajpur Municipality Pahareswar Road, P.O.- Dubrajpur, Dist.- Birbhum, PIN - 731 123.	1
	3	Nalhati	Nalhati Municipality P.O.- Nalhati, Dist.- Birbhum, PIN - 731 243.	1
	4	Rampurhat	Rampurhat Municipality 153 L, Gandhi Park Road, P.O.- Rampurhat, Dist.- Birbhum, PIN - 731 224.	1
	5	Sainthia	Sainthia Municipality Mahatma Gandhi Road, P.O.- Sainthia, Dist.- Birbhum, PIN - 731 234.	1
	6	Gushkara	Gushkara Municipality P.O.- Gushkara, Dist.- Bardhaman, PIN - 713 128.	1
	7	Jamuria	Jamuria Municipality P.O.- Jamuria, Dist.- Bardhaman, PIN - 713 336.	1
	8	Kulti	Kulti Municipality P.O.- Kulti, Dist.- Bardhaman, PIN - 713 343.	1
	9	Raniganj	Raniganj Municipality 23, Netaji Subhas Bose Road, P.O.- Raniganj, Dist.- Bardhaman, PIN - 713 347.	1
	10	Dinhata	Dinhata Municipality Kalikot Road, P.O.- Dinhata, Dist.- Cooch Behar, PIN - 736 135.	1
Cooch Behar	11	Mekhliganj	Mekhliganj Municipality P.O.- Mekhliganj Sub Post, Dist.- Cooch Behar, PIN - 735 304.	1

Contd. to P-2.



District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Dakshin Dinajpur	12	Gangarampur	Gangarampur Municipality P.O.- Gangarampur, Dist.- Dakshin Dinajpur, PIN - 733 124.	1
Darjeeling	13	Kalimpong	Kalimpong Municipality B/11/Dev. Upper Court Road, P.O.- Kalimpong Sub Division, PIN - 734 301.	1
	14	Kurseong	Kurseong Municipality 13, DOW HILL Road, P.O.- Kurseong, Dist.- Darjeeling, PIN - 734 203.	1
	15	Mirik	Mirik N.A.A P.O.- Mirik, Dist.- Darjeeling, PIN - 734 212.	1
	16	Tarakeswar	Tarakeswar Municipality P.O.- Tarakeswar, Dist.- Hooghly, PIN - 712 410.	1
Hooghly	17	Arambag	Arambagh Benepara Road, P.O.- Arambagh, Dist. - Hooghly, PIN - 712 601.	1
Jalpaiguri	18	Dhupguri	Dhupguri Municipality P.O.- Dhupguri, Dist.- Jalpaiguri, PIN - 735 250.	1
	19	Mal	Mal Municipality P.O.- Malbazar, Dist.- Jalpaiguri, PIN - 735 221.	1

Contd. to P-3.



District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Medinipur (East)	20	Contai	Contai Municipality Deshpran Birendra Nath Sasmal Road, P.O.- Contai, Dist.- Purba Midnapur, PIN - 721 401	1
	21	Egra	Egra Municipality P.O.- Egra, Dist.- Purba Midnapur, PIN - 721 429.	1
	22	Haldia	Haldia Municipality Administrative Building, Basudebpur, P.O.- Khanjanchak, Dist.- Purba Midnapur, PIN - 721 602.	1
	23	Panskura	Panskura Municipality P.O.- Panskura, Dist.- Purba Midnapur, PIN - 721 139.	1
	24	Tamluk	Tamluk Municipality Tamluk-Panskura Road, P.O.- Tamluk, Dist.- Purba Midnapur, PIN - 721 636.	1
Medinipur (West)	25	Chandrakona	Chandrakona Municipality P.O.- Chandrakona, Dist.- Paschim Midnapore, PIN - 721 201.	1
	26	Ghatal	Ghatal Municipality P.O.- Ghatal, Dist.- Paschim Midnapore, PIN - 721 212.	1
	27	Jhargram	Jhargram Municipality 420, Circle-7, P.W. Main Road, P.O.- Jhargram, Dist. - Paschim Midnapore, PIN - 721 401.	1
	28	Kharar	Kharar Municipality 85, Kharar, P.O.- Kharar, Dist.- Paschim Midnapore, PIN - 721 222.	1
	29	Ramjibanpur	Ramjibanpur Municipality P.O.- Ramjibanpur, Dist.- Paschim Midnapore, PIN - 721 242.	1

Contd. to P-4.

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Murshidabad	30	Kandi	Kandi Municipality P.O.- Kandi, Dist.- Murshidabad, PIN - 742 137.	1
	31	Murshidabad	Murshidabad Municipality P.O.- Lalbagh, Dist.- Murshidabad, PIN - 742 149.	1
Nadia	32	Chakdah	Chakdah Municipality, N.S. Road, P.O.- Chakdah, Dist.- Nadia, PIN - 741 222.	1
	33	Coopers Camp	Coopers' Camp Notified Area P.O.- Coopers' Camp, Dist. - Nadia, PIN - 741 232.	1
	34	Ranaghat	Ranaghat Municipality P.O.- Ranaghat, Dist.- Nadia, PIN - 744 205.	1
North 24 Parganas	35	Ashokenagar Kalyangarh	Ashokenagar Kalyangarh Municipality 199/668/XIII, N.S. Road, P.O.- Ashokenagar, Dist.- 24 Pgs (North), PIN - 743 222.	1
	36	Bangaon	Bangaon Municipality P.O.- Bongaon, Dist. - 24 Pgs. (North), PIN - 743 235.	1
	37	Basirhat	Basirhat Municipality 55, Sahid Dinesh Mazumdar Road, P.O.- Basirhat, Dist.- 24 Pgs.(North), PIN - 743 411.	1
	38	Gobardanga	Gobardanga Municipality Garpara Gobardanga Road, P.O.- Gobardanga, Dist.- 24 Pgs. (North), PIN - 743 252.	1
Purulia	39	Jhalda	Jhaldah Municipality Ranchi-Purulia Road, P.O.- Jhalda, Dist.- Purulia, PIN - 723 202	1
	40	Raghunathpur	Raghunathpur Municipality Ranchi-Purulia Road, P.O.- Raghunathpur, Dist.- Purulia, PIN - 723 101.	1

Contd. to P-5.



District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
South 24 Parganas	41	Diamondharbour	Diamond Harbour Municipality Diamond Harbour Main Road, P.O.- Diamond Harbour, Dist.- 24 Pgs. (South), PIN – 743 331.	1
Uttar Dinajpur	42	Dalkhola	Dalkhola Municipality P.O.- Dalkhola, Dist.- Uttar Dinajpur, PIN – 733 201.	1
	43	Islampur	Islampur Municipality P.O.- Islampur, Dist.- Uttar Dinajpur, PIN – 733 202.	1
TOTAL				43



OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY
P. O. SAINTHIA • DIST. BIRBHUM

From : The Chairman / Vice Chairman
 SAINTHIA MUNICIPALITY

Memo No. 386 / SM / 2008
 Date 08.02.2008

To,

The Director,
 State Urban Development Agency,
 HEALTH WING, ILGUS BHAVAN,
 HC Block, Sector-III,
 Bidhannagar, Kol-91;

Sub.
 Ref.



Sub.: - Report on joining of Dr. Sailendra Kumar Chowdhury as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality;

Ref.: - This office No. 301/1(5)/SM/2008 Dt. 31.1.2008;

Sir,

In inviting your kind attention to this office Memo. No. cited above, this is to be stated here that Dr. Sailendra Kr. Chowdhury has joined in the duties of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality on contract basis on 01.02.2008 (P.N.).

This is for favour of your kind information and taking necessary action.

Yours faithfully,

Kazi Kamal Hossain
 08.02.08.

Chairman
 Sainthia Municipality
 Sainthia, Birbhum

Memo. No. _____/1(3)/SM/2008 Dt. - 08.02.2008;

Copy forwarded for favour of information and taking necessary action to the :-

1. District Magistrate, Birbhum, Suri, Birbhum;
2. Chief Medical Officer of Health, Birbhum, Suri, Birbhum;
3. Block Medical Officer of Health, Sainthia B.P.H.C., Sainthia, Birbhum;

218-2
Annexure-I
PC(H)
4/12

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Office of
247
DATE
Suda

Government of West Bengal
Municipal Affairs Department
Writers' Buildings, Kolkata-700 001

No.1181/MA/C-10/3S-55/2005

Date :28.09.2007

From : Shri S. K. Bhowmick
Joint Secretary to the Govt. of West Bengal.

To : The Chairperson,
Dinhata/Tufanganj/Mathabhanga/Haldibari/Mekliganj/Mal/Dhupguri/Mirik/
Dalkhola/Sainthia/Dubrajpur/Nalhati/Birnagar/Taherpur/CoopersCamp/Taki/
Jaynagar-Mazilpur/Diamond Harbour/Egra/Chandrakona/Ramjibanpur/Khirpai/
Kharar/Sonamukhi/Raghunathpur/Jhalda/Memari/Guskara/Dainhat/Tarkeshwar/
Murshidabad/Beldanga Municipality.

Sub : Temporary engagement of Medical Officers under CBPHC Services.

Sir/Madam,

I am directed to inform you that it has been decided to allow the ULBs having less than 40,000 population to engage one Medical Officer in their ULBs for a period of six months only repeat six months only as per the following terms and conditions :

- 1) The M.O. so engaged will be paid Rs.300/- per day for attending the health services subject to a maximum of Rs.6000/- in a month.
- 2) The engagement shall be made through notices in local dailies and/or notices in Notice Board of various Govt. offices including the Offices of SDO, DM, CMOH, SDMOH.
- 3) The selection shall be made by the ULB level management and Supervision Cell.
- 4) The engagement letter should clearly indicate that this engagement is only for six months on per day attendance basis at Rs.300/- per day.
- 5) The expenditure shall be made from the Municipal fund.

This temporary measure is taken as a stop gap arrangement till the engagement of Health Officer in order to run the CBPHC services in the ULB.

Yours faithfully,

Sdt
(Joint Secretary)

No.1181/1(1)/MA/C-10/3S-55/2005

Date :28.09.2007

✓ Copy forwarded for information and necessary action to the Director, SUDA.

28.9.07
(Joint Secretary)



V.V. Urgent
PO(H) may pl.
date n.s. 13/9/10
88437

ASHIS KUMAR CHOWDHURY

Advocate
HIGH COURT CALCUTTA
Bar Association Room No.....
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : barassohccal@hotmail.com
Residence :



Date : 08.09.2010

To

1. The Learned Government Pleader,
High Court, Calcutta.
2. The Director of Local Bodies, Government of West Bengal,
Purta Bhavan (1st Floor), Bidhannagar, Kolkata-700091.
3. The District Magistrate, Birbhum (M.A. Section),
P.O. Suri, District- Birbhum.
4. The Director, State Urban Development Agency,
ILGUS BHAVAN HC Block, Sector-III,
Bidhannagar, Kolkata-700106.

Ref : W.P. No.5581 (W) of 2009
Dr. Sailendra Kumar Chowdhury

.....Petitioner.

-Versus-

The State of West Bengal & Ors.

.....Respondents.


Dear Sir(s),

Enclosed please find herewith a copy of writ application along with all annexure, which is running in the list of the Hon'ble Justice Soumitra Pal as Item No.43 of today list dated 08.09.2010 under the Heading "Listed Motion", the aforesaid matter will be taken up by His Lordship on 15.09.2010 or so soon thereafter as and when business of the Court will permit.

Please present at the time when the matter will taken up by His Lordship the Hon'ble Justice Soumitra Pal.

Thanking You,

Yours faithfully,


(Ashis Kumar Chowdhury)
Advocate

Encl : As above.

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

A.S.T. No. of 2009

W.P. No. 5581 (W) of 2009

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

Subject Matter relating to

Group -V Head ()
of the Classification list;

Cause Title

Dr. Sailendra Kumar Chowdhury

..... Petitioner

-Versus-

The State of West Bengal & Ors.

..... Respondents

Ashis Kumar Chowdhury
ADVOCATE-ON-RECORD

ASHIS KUMAR CHOWDHURY

Advocate

6, Old Post Office Street,
5th Floor, Calcutta -700001.

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

A.S.T. No. _____ of 2009
W.P. No. 5381 (W) of 2009
In the matter of :
An application under Article 226 of the
Constitution of India;
And
In the matter of :
Dr. Sailendra Kumar Chowdhury
..... Petitioner
-Versus-
The State of West Bengal & Ors.
..... Respondents

INDEX

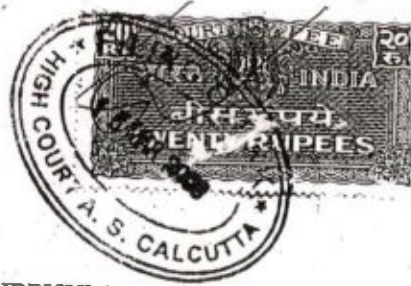
Sl. No.	Description	Annexure	Pages
1.	Writ Petition		1 to 16
2.	Xerox copies of the certificates of passing of the aforesaid examination by the petitioner and Registration Certificate as aforesaid.	"P-1"	17, 18, 19
3.	Xerox copy of the Affidavit	"P-2"	20,
4.	Xerox copy of the interview letter being Memo No.102-103/SM/2008 dated 08.01.2008.	"P-3"	21
5.	Xerox copy of the engagement letter to the post of Medical Officer.	"P-4"	22
6.	Xerox copies of the Extension Order issued by the Sainthia Municipality.	"P-5"	23, 24
7.	Xerox copy of the impugned notice.	"P-6"	25 to 31
8.	Xerox copy of the representation dated 09.02.2009	"P-7"	32, 33
9.	Xerox copy of the representation dated 27.02.2009.	"P-8"	34, 35
10.	Xerox copy of the Memo dated 06.03.2009	"P-9"	
11.	Vakalatnama		

LIST OF DATES

1. 1969 : Your petitioner passed the Higher Secondary Examination from West Bengal Board of Secondary Education.
2. 1979 : Your petitioner passed the Bachelor of Medicine and Surgery.(MBBS), from Calcutta University.
3. 18.08.1993 : Your petitioner affidavit his name before the Court of Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum instead of Dr. Sailendra Kumar Mondal at present name Dr. Sailendra Kumar Chowdhury.
4. 08.01.2008 : Interview letter issued by the Chairman, Sainthia Municipality to your petitioner for appearing in the interview to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.
5. 31.01.2008 : Your petitioner have got engagement letter as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.
6. 31.07.2008 : The Chairman, Sainthia Municipality extended the term of engagement of the petitioner.
7. 30.09.2008 : The Chairman, Sainthia Municipality further extended the terms of engagement of the petitioner.
8. 09.02.2009 : The respondents issued impugned notification for appointment of a Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.

POINTS OF LAW

- I. Whether the respondent authorities are in duty bound to act in accordance with law or not?
- II. Whether the respondent authorities having the rights authority and jurisdiction to issue illegal notification for recruitment against the filled up post or not?



DISTRICT : BIRBHUM

Thamara
Anis Khan
4/10/09



IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

A.S.T. No. of 2009

W.P. No. 5581 (W) of 2009

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

A writ in the nature of mandamus
and/or certiorari and/or any other writ
or writs, direction or directions, order or
orders;

And

In the matter of :

The West Bengal Municipal Act, 1993 as
amended time to time and Rules framed
thereunder;

12/85

m

And

In the matter of :

Challenging the impugned notification
for recruitment to the post of Health
Officer for Community Based Primary
Health Care Service under Sainthia
Municipality;

And

In the matter of :

Dr. Sailendra Kumar Chowdhury
Son of Late Sibapada Mondal, working
as Medical Officer for Community
Based Primary Health Care Service
under Sainthia Municipality, residing at
Netaji Subhas Sarani, P.O. & P.S.
Sainthia, District - Birbhum.

..... Petitioner.

-Versus-

1. The State of West Bengal, service
through the Secretary, Department of
Municipal Affairs, Government of West

Bengal, Writers' Buildings, Kolkata-700001.

2. The Director of Local Bodies, Government of West Bengal, Purta Bhavan (1st Floor), Bidhannagar, Kolkata-700091.

3. The District Magistrate, Birbhum (M.A. Section), P.O. Suri, District-Birbhum.

4. The Director, State Urban Development Agency, ILGUS BHAVAN HC Block, Sector-III, Bidhannagar, Kolkata-700106.

5. The Sainthia Municipality, service through the Chairman, P.O. Sainthia, District-Birbhum.

..... Respondents.

To

The Hon'ble Surinder Singh Nijjar, Chief Justice and His Companion Justices of the Hon'ble Court.



The humble petition on behalf of the
petitioner abovenamed-

Most Respectfully Sheweth :-

1. That your petitioner is a law abiding citizen of India and is permanently residing at the address as mentioned in the cause title.


2. That your petitioner passed the Higher Secondary Examination in the year 1969 and obtained First Division and thereafter obtained the degree of "Bachelor of Medicine and Surgery" from Calcutta University and made Registration under West Bengal Medical Council.

Xerox copies of the certificates of passing of the aforesaid examination by the petitioner and Registration Certificate as aforesaid are annexed hereto and marked Annexure "P-1" collectively.

3. That your petitioner changed his surname before the Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum and declared his surname 'Chowdhury' instead of 'Mondal'.

Xerox copy of the 'Affidavit' before the Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum is annexed hereto and marked Annexure "P-2".

4. That on 8th January, 2008 the Chairman, Sainthia Municipality issued an interview letter being Memo No.102-103/SM/2008 dated 08.01.2008 to your



petitioner for appearing in the interview for engagement as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality and the interview was held on 25.01.2008.


Xerox copy of the interview letter being Memo No.102-103/SM/2008 dated 08.01.2008 is annexed hereto and marked as Annexure "P-3".

5. That on 31st January, 2008 the Chairman, Sainthia Municipality issued an engagement letter being No.301/SM/08 to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.

Xerox copy of the engagement letter to the post of Medical Officer as aforesaid issued by the Chairman, Sainthia Municipality to your petitioner is annexed hereto and marked as Annexure "P-4".

6. That your petitioner duly joined to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality (hereinafter referred as to the said post) on 1st February, 2008 and continuously working in the said post with the fullest satisfaction of Sainthia Municipality and the Sainthia Municipality extended the term of the engagement of your petitioner.

Xerox copies of the Extension Order issued by the Sainthia Municipality as aforesaid are annexed hereto and marked as Annexure "P-5" collectively.



7. That in any event inspite of clear and specific knowledge about the fact that your petitioner is working as medical officer under Sainthia Municipality, the respondents authorities illegally, arbitrarily issued further notification for holding interview for the said post.

Xerox copy of the impugned notification for holding interview for the said post in Sainthia Municipality is annexed hereto and marked Annexure as "P-6".

8. That in any event your petitioner is working as Medical Officer to the said post since 1st February, 2008 continuously without any break with the fullest satisfaction of the respondents authorities more than one year and as such question of further holding of interview for the said post for the Sainthia Municipality does not arise at all. From the aforesaid facts and circumstances it is crystal clear that the impugned recruitment notification for the post of Medical Officer for community based primary health care service under Sainthia Municipality can not be sustained in the eyes of law and the same is liable to be set aside and/or quashed.

9. That your petitioner states that, your petitioner have made a representation dated 09.02.2009 before the respondent No.5 which was duly received by the said respondent authority vide Memo No.155 dated 16.02.2009 with the payer of continuation as 'Health Officer' after consideration for

relaxation of age bar for your petitioner vide SUDA adv vide SUDA advertisement dated 02.02.2009.

Xerox copy of the aforesaid representation dated 09.02.2009 received by the respondent authority vide Memo No.155 dated 16.02.2009 is annexed herewith and marked as Annexure "P-7".

10. That thereafter your petitioner made another representation dated 27.02.2009 before the respondent No.5 which was duly received by the respondent authorities vide Memo No.179/09 dated 02.03.2009 with a prayer for extension of his tenure as Medical Officer, CBPHCS, Sainthia Municipality.

Xerox copy of the aforesaid representation dated 27.02.2009 is annexed hereto and marked as Annexure "P-8".

11. That your petitioner states that the respondent authorities, particularly the respondent No.5 issued a Memo being No.892-897/SM/2009 dated 06.03.2009 to your petitioner stating interalia therein that-

"Sub job responsibilities;

A copy of the job responsibilities in respect of them, as has been prescribed by the State Urban Development Agency, Health Wing, Government of West Bengal is hereby forwarded to each of them with the direction for compliance of the same accordingly. The Sanitary Inspector in addition to the

prescribed responsibilities mentioned therein, will cause preparation of monthly working statement and remuneration bill timely & regularly in respect of all of the above stated workers as well as of the F.T. Ss., H.H. Ws. deployed under CBPHCS Programme and will furnish the same to the Accountant of this Municipality duly been authenticated by the Medical Officer, at the end of each month for payment of the monthly remuneration through the Accounts Assistant.

This order will take immediate effect and will continue until further order."

Xerox copy of the aforesaid Memo dated 06.03.2009 is annexed hereto and is marked as Annexure "P-9".

12. That your petitioner state that the job responsibilities of a Medical Officer and the health Officer are same and identical but the respondent authorities without considering the representation dated 09.02.2009 and 27.02.2009 of your petitioner are all set to take steps in regard to fresh recruitment for the post of 'Health Officer' on the basis of Circular vide SUDA advertisement dated 02.02.2009, which is highly illegal and violation of natural justice.
13. That in any event the respondents officials are public officials and they are binding by the statute. Their acts and actions should be non-discriminatory, reasonable and rational basis. But in the instant case the acts and actions of the

respondents authorities are not only illegal but also arbitrary and violation of Article 14 of Constitution of India.

14. That your petitioner is legally entitled to continue in the service in the said post because petitioner has been rendering service to the said post for last one year and your petitioner is also entitled to get pay scale of Rs.8,000/- to Rs.13,500/- according 5th pay commission report framed by the Finance Departments, Government of West Bengal.

15. That being aggrieved by and dissatisfied with the impugned recruitment notification for the said post (Annexure P-5 to this petition) your petitioner begs to move this application in the following amongst other :

GROUND

- I. For that in any event your petitioner is working as Medical Officer to the said post since 1st February, 2008 continuously without any break with the fullest satisfaction of the respondents authorities more than one year and as such question of further holding of interview for the said post for the Sainthia Municipality does not arise at all. From the aforesaid facts and circumstances it is crystal clear that the impugned recruitment notification for the post of Medical Officer for community based primary health care service under Sainthia Municipality can not be sustained in the eyes of law and the same is liable to be set aside and/or quashed.

- II. For that in any event the respondents officials are public officials and they are binding by the statute. Their acts and actions should be non-discriminatory, reasonable and rational basis. But in the instant case the acts and actions of the respondents authorities are not only illegal but also arbitrary and violation of Article 14 of Constitution of India.
- III. For that the petitioner is legally entitled to continue in the service in the said post because petitioner has been rendering service to the said post for last one year and your petitioner is also entitled to get pay scale of Rs.8,000/- to Rs.13,500/- according 5th pay commission report framed by the Finance Departments, Government of West Bengal.
16. That unless an order is passed to cancel and/or quash the impugned notification for recruitment to the post of Health Officer for community based Primary Health Care Service under Sainthia Municipality and directing the respondent authorities to allow the petitioner to work and continue in the said post, otherwise your petitioner will suffer irreparable loss and injury.
17. That your petitioner states that the balance of convenience and inconvenience as prayed for the interim orders are absolutely in favour of the petitioner.
18. That the respondent authorities is going to take interview for recruitment to the said post. Considering the urgency your petitioner is praying for an

interim order for stay the operation of the impugned recruitment notification for the post of Medical Officer for community based primary health care service under Sainthia Municipality and not to hold interview for the said post under Sainthia Municipality and your petitioner want to move this application within the prayers for obtaining ex parte interim orders by dispense with the Rule 26 of the Appellate Side Rules.

19. That no other application on the self same cause of action is filed by the petitioner earlier.
20. That your petitioner has no other alternative same and except to file this writ petition for ventilating his grievance and for get the remedy.
21. That the records and documents of this case are laying at the offices of the respondents which are within the Appellate Side Jurisdiction of this Hon'ble Court.
22. That this application is filed for bonafide and for the ends of justice.

In these circumstances stated above
your petitioner most humbly and
respectfully prays before your Lordships
may graciously be pleased to issue.

- a) A writ in the nature of
Mandamus commanding the

respondents their men, agent, servant each one of them, particularly the respondent No.4 & 5 not to proceed with the notification dated 02.02.2009 issued by State Urban Development Agency, respondent no.4 herein without considering the representation of the petitioner dated 09.02.2009 and 27.02.2009.

b) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them, particularly the respondent No.4 & 5 not to take any steps for recruitment for the post of Health Officer under Sainthia Municipality without considering the representation of the petitioner, being Annexure P-7 and P-8 respectively and further directing the respondent

authorities not to disturb the service of the petitioner in any manner whatsoever.

c) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them particularly the respondent No.4 & 5 herein to allow the petitioner to continue and performing his duties as a medical officer for community based primary Health Care Service under Sainthia Municipality.

d) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them particularly the respondent No.4 & 5 herein to give the pay scale Rs.8,000/- - Rs.13,500/- as admissible according to 5th pay commission report of the Finance

Department, Government of West Bengal.

- e) A writ in the nature of certiorari by directing the respondent to certify and transmit the records and documents of this case before this Hon'ble Court so that conscionable justice be done forthwith;
- f) Rule NISI in terms of prayers (a) to (e) above.
- g) Ad-interim of injunction by restraining the respondent from holding interview to the post of Medical Officer for community based primary health care service under Sainthia Municipality in any manner whatsoever.
- h) Ad-interim in order by directing to allow the petitioner to continue and

18
performing his duties as a medical officer for community based primary Health Care Service under Sainthia Municipality.

- i) Make the Rule absolute it no cause or insufficient cause is shown by the respondents.
- j) Costs pertaining to this application.
- k) Any other order or orders as to your Lordship may deem fit and proper.

And your petitioner as in duty bound, shall ever pray.

Sailendrakumar Chowdhury

17 3 8



AFFIDAVIT

I, Dr. Sailendra Kumar Chowdhury, son of Late Sibapada Mondal, aged about 45 years, by faith Hindu, by occupation -Service, residing at Netaji Subhas Sarani, P.O. & P.S. Sainthia, District - Birbhum, do hereby solemnly affirm and say as follows :-

1. I am the petitioner of the instant case and as such I am well acquainted with the facts and circumstances of the case.
2. That the statements made in the paragraphs 1 to 7 are true to my knowledge and rests are my humble submissions before this Hon'ble Court.

Prepared in my office

Asis Kumar Choudhury
Advocate

Sailendrakumar Chowdhury

Deponent is known to me

Sanjay Ray
Clerk to Mr. :
Advocate

Solemnly affirmed before me
on this the *16th* day of March, 2009.

COMMISSIONER

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

17/3

West Bengal Board of Secondary Education



3160
Answer-1

HIGHER SECONDARY EXAMINATION

Certified that Saidendrahimant Chandra
 Son/Daughter of Siddhanta Chandra
 appearing from Barishamulla School, whose date of birth
 is Ninth day of February One thousand nine hundred and
fifty four, duly passed the Higher Secondary Examination
 held in the month of March 1969 and was placed in the First Division.

CAMOUFLAGE
28.3.72

SECRETARY

Position

UNIVERSITY OF CALCUTTA

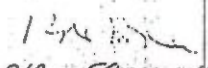


This is to certify that

Sailendrakumar Mandal

having completed the curriculum of study and passed in 1975, the examinations required by the Regulations of this University for the Degree of Bachelor of Medicine and Surgery, which has been duly conferred upon him/her, he/she having been admitted to the degrees on 27th March 1979, on his/her fulfilling the condition laid down in Chapter XLVI of the Regulations of this University, is hereby declared competent and authorised to practise Medicine, Surgery and Midwifery.

Dated at Calcutta this 5th day of September 1979.


Vice-Chancellor.

WEST BENGAL MEDICAL COUNCIL

8 Lyons Range, Third Floor
Kolkata - 700 001

Updated Registration Certificate- 2001-2002


Registration No. : 37392
Date of Original Registration : 07/05/1979
Name : MANDAL, Dr.SAILENDRAKUMAR
Father's Name : LATE SIBAPADA CHOWDHURY
Sex : Male
Address : Permanent : SREEPALLY,
P.O. & P.S. SAJINTHIA,
DIST. BIRBHUM,
PIN CODE - 731235
Present : NETAJI SUBHASH SARANI,
P.O. & P.S. SAINTHIA,
DIST. BIRBHUM,
PIN CODE - 731234
Qualification : Basic : M.B.B.S.(CALCUTTA UNIVERSITY), 1979
Additional :



Signature of Applicant Full : Sailendrakumar Mandal
Specimen : Sailendrakumar Mandal

Date : 23/02/2004


(D.K. Ghosh)
Registrar

No. : SMR-2001-2002/21443
Received with thanks from Dr. Sailendrakumar Mandal the sum of Rupees One Hundred only Cheque / D.D. No. 
Cash- dt 23/02/2004, on account of Updating of State Medical Registration.
for West Bengal Medical Council

Rs.100.00

Signature of Cashier

-820-

Ankum

10Rs.



In the Court of Executive Magistrate, Judicial Magistrate-II
Juri, Birbhum.

AFFIDAVIT

I, Dr. Sailendra Kumar Chowdhury, 41 years resident of
Naraj Subhas Sarani, PO & PS-Sainthia, District Birbhum
do hereby declare as follows :-

1) That my name is Sailendra Kumar Mandal before
affidavit. And at present my name is Sailendra Kumar
Chowdhury after affidavit as on 18/8/93.

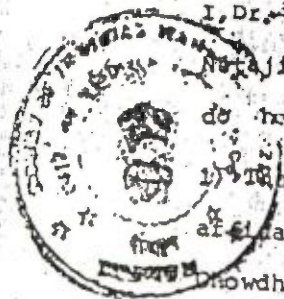
2) That I further declare that Sailendra Kumar Mandal
Sailendra Kumar Chowdhury is the same person in the
locality and son of Late Shibapada Mondal in the locality.

That the above statements are true to the best of my
knowledge and belief.

Dr. Sailendra Kumar Chowdhury
Signature of the deponent.

Identified by me and signed
in my presence.

Anand K. Singh
Advocate/Muk.
18/8/93



4178

18-8-1993
Dr. Sailendra Kumar Chowdhury
Identified by me
& signed

18.8.93
Judicial Magistrate
1st Class J M Chowdhury
Juri, Birbhum.

Phone : SHI 264187
: SHI 262367
Fax : 03462-262367

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O. SAINTHIA • DIST. BIRBHUM.

From : The Chairman / Vice Chairman

Memo No. 102-103/SM/2008

SAINTHIA MUNICIPALITY

Date 08.01.2008

To,

1. Dr. Moni Ranjan Acharya,
Anchalika Maidan, Ward No. 8,
Sainthia, Birbhum;

2. Dr. Sailendra Pr. Chowdhury,
Neraji Subhas Sarani,
Ward No. 6, Sainthia,
Birbhum;

Sub.: - Interview for engagement as Medical
officer for Community Based Primary
Health Care Service under Sainthia
Municipality;

Ref.: - This office notice vide no. 3766/SM/07
dated 11.12.2007;

Sir,

With reference to your application for said engagement as
Medical officer for Community Based Primary Health Care Service
under Sainthia Municipality for six months on per day attendance
basis at Rs. 300/- per day subject to a maximum of Rs. 6,000/- in a
month, you are hereby requested to appear alongwith all original
relevant testimonials before the Interview Board on 25.01.2008
at 1:00 P.M. at this Municipality office.

This is to be stated here that no T.A./D.A. shall be paid
from this end towards the journey so be undertaken in connection
with the said interview.

Yours faithfully,

Kazi Kamal Hossain
08.01.08
Chairman
Sainthia Municipality
Sainthia, Birbhum

3.1.08

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY
 P. O. SAINTHIA • DIST. BIRBHUM

From : The Chairman / Vice Chairman
 SAINTHIA MUNICIPALITY

Memo No. 301/SM/08

Date 31.01.2008

To,

✓ Dr. Sailendra Kr. Chowdhury, Sub.
 Netaji Subhas Sarani,
 Ward No.5, Sainthia,
 Birbhum;

Ref.:

Sub.: - Engagement as Medical Officer for Community
 Based Primary Health Care Service under Sainthia
 Municipality;

S i r ,

With reference to your application for engagement as Medical Officer for Community Based Primary Health Care Services under Sainthia Municipality and interviews held subsequently in this Municipality, I am to inform you that you have been selected for engagement as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality for six months on per day attendance basis at Rs.300/- per day subject to a maximum of Rs.6,000/- in a month.

You are requested to report for duty to the undersigned within 15 days from the date of receipt of this letter.

If you are agreeable to join, kindly send your acceptance within 7 days (Seven days).

Yours faithfully,

Kazi Kamal Hossain

31.01.08

(KAZI KAMAL HOSSAIN)

Chairman.

Sainthia Municipality,
Sainthia, Birbhum.

Memo. 301/1(5)/SM/2008

Date:- 31.01.2008

Copy forwarded for information & necessary action to :-

1. Chief Medical Officer of Health, Birbhum, Suri, Birbhum;
2. Block Medical Officer of Health, Sainthia, Birbhum;
3. Director, State Urban Development Agency, HEALTH WING, ILGUS BHAVAN, HC Block, Sector-III, Bidhannagar, Kolkata-106,
4. Executive Officer, Sainthia Municipality, Sainthia, Birbhum;
5. Accountant, Sainthia Municipality, Sainthia, Birbhum. - The monthly fees for this engagement may be met from CBPHCS Fund.

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O.-SAINTHIA O DIST.-BIRBHUM

From: The Chairman / Vice Chairman
SAINTHIA MUNICIPALITY

Memo No. 2109/SM/2008

Dated 31.07.2008

To,
Dr. Sailendra Kr. Chowdhury,
College Road,
Sainthia, Birbhum;

Sub.: -Extension of term of his engagement as Medical Officer under
Community Based Primary Health Care Services Programme in
Sainthia Municipality;

Sir,

This is to inform you that your term of engagement as Medical Officer under Community Based Primary Health Care Service Programme is due to be expired on 31.07.2008 and as recruitment of a Health Officer afresh in CBPHC as per the relevant Government rules will take some time and in consideration of your application dated 26.07.2008 praying for extension of your term of working as Medical Officer in the very scheme, the Board of Councillors of Sainthia Municipality in its meeting held on 31.07.2008 has decided to extend your term as Medical Officer under CBPHCS Programme in Sainthia Municipality for a further period of 2 (two) months w.e.f. 01.08.2008 on per day attendance basis @ Rs.300/- per day for attending the Health Services subject to a maximum of Rs.6,000/- (Rs. Six thousand) only in a month.

You are requested to report for duty to the undersigned on the stipulated date stated above.

Yours faithfully,

Kazi Kamal Hossain

Chairman
Sainthia Municipality
Sainthia, Birbhum

Memo No.2109/1(6)/SM/2008 dated 31.07.2008;

Copy forwarded for information and necessary action to the :-

- 1) Principal Secretary, Department of Municipal Affairs, Government of West Bengal, Writers' Buildings, Kolkata-700001;
- 2) District Magistrate, Birbhum, (M.A. Section), Suri, Birbhum;
- 3) Director of Local Bodies, Government of West Bengal, Pura Bhavan, 11th floor, Bidhannagar, Kolkata-700091;
- 4) Director, State Urban Development Agency, ILGUS BHAVAN, HC Block, Sector-III, Bidhannagar, Kolkata-700106;
- 5) Executive Officer, Sainthia Municipality, Sainthia, Birbhum;
- 6) Accountant, Sainthia Municipality - the monthly payment for this engagement shall be met from the fund in respect of CBPHCS of this Municipality;

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O.-SAINTHIA O DIST.-BIRBHUM

From: The Chairman / Vice Chairman
SAINTHIA MUNICIPALITY

Memo No. 2752/SM/2008
Dated 30.09.2008

To,
✓ Dr. Sailendra Kr. Chowdhury,
College Road,
Sainthia, Birbhum;

Sub.: Extension of term of his engagement as Medical Officer under
Community Based Primary Health Care Services Programme in
Sainthia Municipality;

Sir,

This is to inform you that your term of engagement as Medical Officer under Community Based
Primary Health Care Service Programme (CBPHCS) is due to be expired on 30.09.2008. As per
relevant decisions of the meeting of the Board of Councillors of Sainthia Municipality held on
30.09.2008, your term of engagement as a Medical Officer under CBPHCS Programme in Sainthia
Municipality is hereby extended for a further period of 6 (six) months w.e.f. 01.10.2008 on per day
attendance basis @ Rs.300/- per day for attending the Health Service subject to a maximum of
Rs.6000/- (Rupees Six thousand) only per month.

You are requested to report for duty to the undersigned on the stipulated date as stated above.

Yours faithfully,

Kazi Kamal Hossain

Chairman
Sainthia Municipality
Sainthia, Birbhum

Memo No. 2752/1(6)/SM/2008 dated 30.09.2008;

Copy forwarded for information and necessary action to the :-

- 1) Principal Secretary, Department of Municipal Affairs, Government of West Bengal, Writers' Buildings, Kolkata-700001;
 - 2) District Magistrate, Birbhum, (M.A. Section), Suri, Birbhum;
 - 3) Director of Local Bodies, Government of West Bengal, Purta Bhuvan, (1st floor), Bidhannagar, Kolkata-700091;
 - 4) Director, State Urban Development Agency, ILGUS BHAVAN, HC Block, Sector-III, Bidhannagar, Kolkata-700106;
- this has a reference of this office No. 2547/SM/2008 Dt.-22.09.2008 (copy enclosed).
- 5) Executive Officer, Sainthia Municipality, Sainthia, Birbhum;
 - 6) Accountant, Sainthia Municipality - the monthly payment for this engagement shall be met from the fund in respect of CBPHCS of this Municipality;

25-26-11-2009

Recruitment of Health Officers

Community Based Primary Health Care Services (CBPHCS) in 63 Non- KMA (Kolkata Metropolitan Area) Urban Local Bodies (ULBs) has been taken up with the budgetary support of Health & Family Welfare Dept. in line with Community Based Health Care Programmes implemented earlier in the remaining Urban Local Bodies under various other Health projects. For successful and smooth implementation of the scheme, one Health Officer is to be engaged in the respective ULBs on yearly contract basis with contractual remuneration.

Name of the Post : Health Officer for Municipality

Last Date of submission : 20.02.2009 upto 4.00 p.m.

Qualification : Candidate must have minimum qualification of MBBS from any recognized University. In service Officer with essential qualification may also apply through proper channel.

Age : 32 years on the last date of birth subject to the relaxation as per Govt. rules for candidates belonging to SC / ST / OBC categories.

Experience : Two years practicing experience.

Job Profile :

- Technical head for implementation of Community Based Primary Health Care Service scheme, Urban Health in the Municipality
- Will be responsible for implementation, monitoring & supervision of Urban Health i.e. Primary Health care, Public Health and National Health Programmes
- To organise training and capacity building of the personnel concerned
- Liaison with District / Sub-Division / Rural Health Offices, Chairman of the ULB and Management & Supervision (M & S) Cell at SUDA
- Timely submission of Reports & Returns to District / Sub-Division Health Offices, Chairman and onward submission to M & S Cell, SUDA under the signature of the Chairman
- Arrange to obtain immunization, FW and IEC materials from District / Sub-Division Health Offices
- Proper maintenance of records in respect of stores, furniture, equipment, medicines and others and arrange distribution of the same to the appropriate health facilities
- Render guidance and instruction to the Medical Officer, Sanitary Inspector, Computer Assistant, Accounts Assistant, Multipurpose Helper cum SK cum Clerk, Health Assistant of Management & Supervision Cell
- Detailing out of general work plan along with time-frame and monitoring of the work as per laid down target
- Responsible for local procurement as will be laid down
- To conduct periodical review meeting with grass root level functionaries and personnel of M & S Cell, maintenance of minute book
- To attend different training, meetings, seminars / workshops
- To attend clinics at Sub-Centre wherever required
- In addition, to perform such other functions as may be entrusted to him by the Chairperson of Municipality

Pay : Contractual remuneration will be fixed taking into account the initial basic pay in the scale of Rs. 8,000/- - 13,500/- plus Dearness Pay as well as Dearness Allowance as is admissible on the date of contractual appointment.

How to submit application : The application is to be addressed to :
"The Chairman, Municipality,
Address of the Municipality" (to be noted down from the attached Annexure)
And is to be sent in a sealed envelop, clearly writing on the top "Application for the post of Health Officer for Municipality".

The sealed envelop shall contain :

- a) One forwarding letter
- b) CV in the prescribed format as given below :

Personal Information			
Name			
Date of Birth			
Mailing Address			
Permanent Address			
Contact No.		Landline :	
		Mobile	
e-mail address, if any			
Academic Qualification :			
Degree	University	Institution	Year
Job Experience (start with the latest)			
Present Employer			
Designation			
Emolument			
Job Responsibility			

Signature

- c) Photocopies (Xerox) of degree / certificate for documentary evidence in respect of age proof, academic qualification & other testimonials etc.

Annexure

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Bankura	1	Sonamukhi	Sonamukhi Municipality P.O. - Sonamukhi, Dist. - Bankura. PIN - 722 207.	1
	2	Dubrajpur	Dubrajpur Municipality Pahareswar Road, P.O. - Dubrajpur, Dist. - Birbhum. PIN - 731 123.	1
	3	Nalhati	Nalhati Municipality P.O. - Nalhati, Dist. - Birbhum, PIN - 731 243.	1
	4	Rampurhat	Rampurhat Municipality 153 L. Gandhi Park Road, P.O. - Rampurhat, Dist. - Birbhum, PIN - 731 224.	1
Birbhum	5	Sainthia	Sainthia Municipality Mahatma Gandhi Road, P.O. - Sainthia, Dist. - Birbhum, PIN - 731 234.	1
	6	Gushkara	Gushkara Municipality P.O. - Gushkara, Dist. - Bardhaman, PIN - 713 128.	1
	7	Jamuria	Jamuria Municipality P.O. - Jamuria, Dist. - Bardhaman, PIN - 713 336.	1
	8	Kulti	Kulti Municipality P.O. - Kulti, Dist. - Bardhaman, PIN - 713 343.	1
Cooch Behar	9	Raniganj	Raniganj Municipality 23, Netaji Subhas Bose Road, P.O. - Raniganj, Dist. - Bardhaman, PIN - 713 347.	1
	10	Dinhata	Dinhata Municipality Kalikot Road, P.O. - Dinhata, Dist. - Cooch Behar, PIN - 736 135.	1
	11	Mekhliganj	Mekhliganj Municipality P.O. - Mekhliganj Sub Post, Dist. - Cooch Behar	1

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Dakshin Dinajpur	12	Gangarampur	Gangarampur Municipality P.O.- Gangarampur, Dist.- Dakshin Dinajpur, PIN - 733 124.	1
	13	Kalimpong	Kalimpong Municipality B/11/Dev. Upper Court Road, P.O.- Kalimpong Sub.Division, PIN - 734 301.	1
Darjeeling	14	Kurseong	Kurseong Municipality 13, DOW HILL Road, P.O.- Kurseong, Dist.- Darjeeling, PIN - 734 203.	1
	15	Mirik	Mirik N.A.A P.O.- Mirik, Dist.- Darjeeling, PIN - 734 212.	1
	16	Tarakeswar	Tarakeswar Municipality P.O.- Tarakeswar, Dist.- Hooghly, PIN - 712 410.	1
Hooghly	17	Arambag	Arambag Benepara Road, P.O.- Arambagh, Dist. - Hooghly, PIN - 712 601.	1
	18	Dhupguri	Dhupguri Municipality P.O.- Dhupguri, Dist.- Jalpaiguri, PIN - 735 250.	1
Jalpaiguri	19	Mal	Mal Municipality P.O.- Malbazar, Dist.- Jalpaiguri, PIN - 735 221.	1

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Medinipur (East)	20	Contai	Contai Municipality Deshpran Birendra Nath Sasmal Road, P.O.- Contai, Dist.- Purba Midnapur, PIN - 721 401	1
	21	Egra	Egra Municipality P.O.- Egra, Dist.- Purba Midnapur, PIN - 721 429	1
	22	Haldia	Haldia Municipality Administrative Building, Basudebpur. P.O.- Khanjanchak, Dist.- Purba Midnapur, PIN - 721 602	1
	23	Panskura	Panskura Municipality P.O.- Panskura, Dist.- Purba Midnapur, PIN - 721 139	1
	24	Tamluk	Tamluk Municipality Tamluk-Panskura Road, P.O.- Tamluk, Dist.- Purba Midnapur, PIN - 721 636	1
Medinipur (West)	25	Chandrakona	Chandrakona Municipality P.O.- Chandrakona, Dist.- Paschim Midnapore, Pin - 721 201	1
	26	Ghatal	Ghatal Municipality P.O.- Ghatal, Dist.- Paschim Midnapore, PIN - 721 212	1
	27	Jhargram	Jhargram Municipality 420, Circle-7, P.W. Main Road, P.O.- Jhargram, Dist.- Paschim Midnapore, PIN - 721 401	1
	28	Kharar	Kharar Municipality 85, Kharar, P.O.- Kharar, Dist.- Paschim Midnapore, PIN - 721 222	1
	29	Ramjibanpur	Ramjibanpur Municipality P.O.- Ramjibanpur, Dist.- Paschim Midnapore, PIN - 721 242	1

- 2 - 30

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Murshidabad	30	Kandi	Kandi Municipality P.O.- Kandi, Dist.- Murshidabad. PIN - 742 137.	1
	31	Murshidabad	Murshidabad Municipality P.O.- Lalbagh, Dist.- Murshidabad, PIN - 742 149.	1
	32	Chakdah	Chakdah Municipality. N.S. Road, P.O.- Chakdah, Dist.- Nadia, PIN - 741 222.	1
Nadia	33	Coopers Camp	Coopers' Camp Notified Area P.O.- Coopers' Camp. Dist. - Nadia. PIN - 741 232.	1
	34	Ranaghat	Ranaghat Municipality P.O.- Ranaghat. Dist.- Nadia. PIN - 744 205.	1
	35	Ashokenagar Kalyangarh	Ashokenagar Kalyangarh Municipality 199/668/XIII. N.S. Road, P.O.- Ashokenagar, Dist.- 24 Pgs (North), PIN - 743 222.	1
North 24 Parganas	36	Bangaon	Bangaon Municipality P.O.- Bongaon, Dist. - 24 Pgs. (North), PIN - 743 235.	1
	37	Basirhat	Basirhat Municipality 55, Sahid Dinesh Mazumdar Road, P.O.- Basirhat, Dist.- 24 Pgs. (North), PIN - 743 411.	1
	38	Gobardanga	Gobardanga Municipality Garpara Gobardanga Road, P.O.- Gobardanga, Dist.- 24 Pgs. (North), PIN - 743 252.	1
Purulia	39	Jhalda	Jhalda Municipality Ranchi-Purulia Road. P.O.- Jhalda. Dist.- Purulia. PIN - 723 202.	1
	40	Raghunathpur	Raghunathpur Municipality Ranchi-Purulia Road. P.O.- Raghunathpur, Dist.- Purulia. PIN - 723 101.	1

Contd. to P-5.

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
South 24 Parganas	41	Diamondharbour	Diamond Harbour Municipality Diamond Harbour Main Road, P.O. - Diamond Harbour, Dist. - 24 Pgs. (South), PIN - 743 331	1
	42	Dalkhola	Dalkhola Municipality P.O. - Dalkhola, Dist. - Uttar Dinajpur, PIN - 733 201	1
Uttar Dinajpur	43	Islampur	Islampur Municipality P.O. - Islampur, Dist. - Uttar Dinajpur, PIN - 733 202	1
TOTAL				43

SUDA

Memo No

155

16.02.09

Receiving / Sainthia
Municipality
Office

To
The Chairman
Sainthia Municipality
Sainthia, Birbhum

Sub Prayer for continuation as Health Officer
after consideration for relaxation of
age-bar for myself vide SLDA
advertisment dt 02-02-09, last date of
Respected Sir, submission being 20-02-09

I have been appointed by you as Medical
Officer, CBPHCS, Sainthia Municipality by your
order dated 31-01-2008. I joined on 01.02.08.
Since then, you have kindly, extended my tenure
of service as of now I am working in that
post.

During my service I have performed all
the duties and responsibilities as designated
by you to your satisfaction. I have
undertaken the primary health care services
given to the people of the municipality, have
participated in National programmes like
AIDS control etc, have taken training
classes for the health workers regularly.

I am a permanent local resident
I am eager to continue in the service
if you consider my prayer for relaxation
of age as would allow me to serve
as the Health Officer.

I pray to you for your kindness
and consideration.

I remain Sir

Yours sincerely

Sailendrakumar Chowdhury

Medical Officer

CBPHCS, Sainthia Municipality.

Date 09.02.09.

Sainthia, Birbhum.

Enclosure : Format vide SLDA advertisement
dt 02-02-09, last date being
20.02.09. (Downloaded)

-83-

Applied vide
SLDA advertisement dt 02.02.09
last date of submission 20.02.09

Memo No
155
16.02.09

Pay : Contractual remuneration will be fixed taking into account the initial basic pay in the scale of Rs. 8,000/- - 13,500/- plus Dearness Pay as well as Dearness Allowance as is admissible on the date of contractual appointment.

Receiving
Sainthia
Municipality
Office

How to submit application : The application is to be addressed to :

"The Chairman, Sainthia Municipality"

Address of the Municipality" (to be noted down from the attached Annexure)

And is to be sent in a sealed envelop, clearly writing on the top "Application for the post of Health Officer for Sainthia Municipality".

The sealed envelop shall contain :

- ✓ a) One forwarding letter
- ✓ b) CV in the prescribed format as given below (Downloaded).

Personal Information

Name	DR SAILENDRA KUMAR CHOWDHURY
Date of Birth	09.02.1954
Mailing Address	Nakhi Subhas Sarani, Sainthia, Birbhu
Permanent Address	Do
Contact No.	Landline : (03462) 262-365 Mobile

e-mail address, if any

Academic Qualification :

Degree	University	Institution	Year
MBBS	Calcutta	Medical College Calcutta	1977

Job Experience (start with the latest)	30 years experience, at present Medical off.
Present Employer	Chairman, Sainthia Municipality CBPHCS, Sainthia Mun.
Designation	M.O. (Medical officer), CBPHCS, Sainthia Mun.
Emolument	Rs 6,000/- p.m. only
Job Responsibility	Technical head of CBPHCS, Sainthia Municipality

Sailendrakumar Chowdhury

Signature

09.02.2009

- c) Photocopies (Xerox) of degree / certificate for documentary evidence in respect of age proof, academic qualification & other testimonials etc.

All the photocopies are already in safe custody of the Sainthia Municipality deposited before being appointed as M.O. of CBPHCS of Sainthia Municipality. Requested to place these documents in this application for examination please.

Sailendrakumar Chowdhury
09.02.09

-34-

Annexure Memo No. 48

175/09
07/03/2009

Receiving/Sainthia
Municipality Office

To
The Chairman
Sainthia Municipality
Sainthia, Birbhum

Sub

Prayer for extension of my
tenure as M.O., CBPHCS,
Sainthia Municipality valid upto
30.03.2009.

Respected Sir,

I am working as the Medical Officer, CBPHCS,
since 01.02.08. My term has been
extended by you from time to time.
My present term is extended upto 30.03.09
by you already.

I pray to you, to extend my tenure beyond
30.03.09 for further 1 (one) year w.e.f.
01.04.09, to sustain the scheme.

I am a local resident of Sainthia Town,
availing my service to the municipality
whenever it is needed. I have served
satisfactorily for so long and done ~~by~~ my
duties perfectly.

Therefore, Sir, I request you to kindly
extend my term beyond 01.04.09. for
one year more at present.

Yours sincerely

Sailendrakumar Chowdhury
M.B.B.S. (Gen). M.S. (Gen)

27.02.09

N.B. Application for H.O. dt 09.02.09
is deposited to your office but
not yet processed and pending.
This application prays for continuation
of present status as M.O.

STD Code No. 3462

E-mail: municipality_sainthia@yahoo.com

Phone: 03462 264 18

262 36

Fax: 03462 - 262 367

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O. SAINTHIA, O. DIST. BIRBHUM

From: The Chairman / Vice Chairman
SAINTHIA MUNICIPALITY

Memo No. 892-897/SM/2009
Dated 06.03.2009

To,

1. Dr. Sailendra Kr. Chowdhury, Medical Officer
 2. Sri Kalyan Banerjee, Sanitary Inspector
 3. Sri Papu Prasad Ray, Computer Assistant
 4. Sri Pradip Kr. Banerjee, Accounts Assistant
 5. Sri Koushik Bhattacharya, Multi-purpose Helper-cum-S.K. Clerk
 6. Kumari Rumki Mahanta, Health Assistant
- All under Community Based Primary
Health Care Service (CBPHCS) Programme,
Sainthia Municipality;

Sub:- Job responsibilities;

A copy of the job responsibilities in respect of them, as has been prescribed by the State Urban Development Agency, Health Wing, Government of West Bengal is hereby forwarded to each of them with the direction for compliance of the same accordingly. The Sanitary Inspector in addition to the prescribed responsibilities mentioned therein, will cause preparation of monthly working statement and remuneration bill timely & regularly in respect of all of the above stated workers as well as of the F. T. Ss., H. H. Ws. deployed under CBPHCS Programme and will furnish the same to the Accountant of this Municipality duly been authenticated by the Medical Officer at the end of each month for payment of the monthly remuneration through the Accounts Assistant.

This order will take immediate effect and will continue until further order.

Encl:- As stated;

Kazi Kanna Hossain

Chairman
SAINTHIA MUNICIPALITY
Sainthia, Birbhum

Memo No. 892-897/1(5)/SM/2009 Dated 06.03.2009;

Copy along with the copy of job responsibilities entrusted to above stated workers forwarded for information and necessary action to:-

1. Executive Officer, Sainthia Municipality, Sainthia, Birbhum;
2. Head Clerk, Sainthia Municipality, Sainthia, Birbhum;
3. Accountant, Sainthia Municipality, Sainthia, Birbhum;
4. A. F. C., Sainthia Municipality, Sainthia, Birbhum;
5. Adhir Kumar Karmakar, Tax Collector at present working as Assistant in General Establishment Section, Sainthia Municipality, Sainthia, Birbhum, - He is relieved from the duties in respect of CBPHCS Programme;

Memo No. 892-897/1(1)/SM/2009 Dated 06.03.2009;

Copy forwarded for information and necessary action to:-

1. Sri Achintya Das, Vice-Chairman, Sainthia Municipality, Sainthia, Birbhum;

Community Based Primary Health Care (CBPHC) Services in 63 Non-ZOMA ULBs
 Job Responsibilities
 of Personnel of Management & Supervision (M & S) Cell at ULB Level

Medical Officer

- Will assist Health Officer in organising training and capacity building programmes.
- Assist in liaisoning with District / Sub-Division / Rural Health Offices for establishing the referral services, particularly with RCH and disease control Programme Officers and public health.
- Assist HO for preparation & timely submission of Report and Returns.
- Attend the clinics at all Sub-Centres.
- Will be responsible for implementation, monitoring & supervision of Primary Health Care, Public Health & National Health Programmes at Sub-Centre at grass root level.
- To attend review meeting with members of the Management & Supervision Cell of ULB and grass root level functionaries.
- To attend different meetings, seminars / workshops.
- In addition, to perform such other functions as may be entrusted to him by the HO / Chairman.

Sanitary Inspector

- Will assist Health Officer in implementation of Public Health & National Health Programme ward-wise and ULB-wise.
- Will assist functioning of Sub-Centres including immunization programmes.
- Will be responsible for maintenance of cold chain for immunization.
- Will take part in awareness generation programme at community level.
- Will collect and compile data in respect of Public Health & National Health Programmes, ward-wise & ULB-wise.
- In addition, to perform such other functions as may be entrusted to him by the HO / Chairman.

Contd. to P-2

- 37 -

- ✓

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- 1

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- 1

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

A.S.T. No. of 2009

W.P. No. 5381 (W) of 2009

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

Dr. Sailendra Kumar Chowdhury

..... Petitioner.

-Versus-

The State of West Bengal & Ors.

..... Respondents

PETITION

ASHIS KUMAR CHOWDHURY

Advocate

6, Old Post Office Street,
5th Floor, Calcutta -700001.

Matter for insertion in the website :

Community Based Primary Health Care Services (CBPHCS) in 63 Non- KMA (Kolkata Metropolitan Area) Urban Local Bodies (ULBs) has been taken up with the budgetary support of Health & Family Welfare Dept. in line with Community Based Health Care Programmes implemented earlier in the remaining Urban Local Bodies under various other Health projects. For successful and smooth implementation of the scheme, one Health Officer is to be engaged in the respective ULBs on yearly contract basis with contractual remuneration.

Name of the Post : Health Officer for Municipality

Last Date of submission : 10.06.2009 upto 4.00 p.m.

Qualification : Candidate must have minimum qualification of MBBS from any recognized University. In-service Officer with essential qualification may also apply through proper channel.

Age : 32 years on the last date of birth subject to the relaxation as per Govt. rules for candidates belonging to SC / ST / OBC categories.

Experience : Two years practicing experience.

Job Profile :

- ♦ Technical head for implementation of Community Based Primary Health Care Service scheme, Urban Health in the Municipality
- ♦ Will be responsible for implementation, monitoring & supervision of Urban Health i.e. Primary Health care, Public Health and National Health Programmes
- ♦ To organise training and capacity building of the personnel concerned
- ♦ Liaison with District / Sub-Division / Rural Health Offices, Chairman of the ULB and Management & Supervision (M & S) Cell at SUDA
- ♦ Timely submission of Reports & Returns to District / Sub-Division Health Offices, Chairman and onward submission to M & S Cell, SUDA under the signature of the Chairman
- ♦ Arrange to obtain immunization, FW and IEC materials from District / Sub-Division Health Offices
- ♦ Proper maintenance of records in respect of stores, furniture, equipment, medicines and others and arrange distribution of the same to the appropriate health facilities
- ♦ Render guidance and instruction to the Medical Officer, Sanitary Inspector, Computer Assistant, Accounts Assistant, Multipurpose Helper cum SK cum Clerk, Health Assistant of Management & Supervision Cell
- ♦ Detailing out of general work plan along with time frame and monitoring of the work as per laid down target
- ♦ Responsible for local procurement as will be laid down
- ♦ To conduct periodical review meeting with grass root level functionaries and personnel of M & S Cell, maintenance of minute book
- ♦ To attend different training, meetings, seminars / workshops
- ♦ To attend clinics at Sub-Centre wherever required
- ♦ In addition, to perform such other functions as may be entrusted to him by the Chairperson of Municipality

Pay : Contractual remuneration will be fixed taking into account the initial basic pay in the scale of Rs. 8,000/- - 13,500/- plus Dearness Pay as well as Dearness Allowance as is admissible on the date of contractual appointment.

How to submit application : The application is to be addressed to :

“The Chairman, Municipality,

Address of the Municipality” (to be noted down from the attached Annexure)

And is to be sent in a sealed envelop, clearly writing on the top “Application for the post of Health Officer for Municipality”.

The sealed envelop shall contain :

- a) One forwarding letter
- b) CV in the prescribed format as given below :

Personal Information			
Name			
Date of Birth			
Mailing Address			
Permanent Address			
Contact No.		Landline :	
		Mobile :	
e-mail address, if any			
Academic Qualification :			
Degree	University	Institution	Year
Job Experience (start with the latest)			
Present Employer			
Designation			
Emolument			
Job Responsibility			

Signature

- c) Photocopies (Xerox) of degree / certificate for documentary evidence in respect of age proof, academic qualification & other testimonials etc.

Annexure

District	Sl. No.	Name of Municipality	Address of Municipality	Required No. of Health Officer
Burdwan	1	Memari	Memari Municipality P.O.- Memari, Dist.- Bardhaman, PIN - 713 146.	1
Cooch Behar	2	Mekhliganj	Mekhliganj Municipality P.O.- Mekhliganj Sub Post, Dist.- Cooch Behar, PIN - 735 304.	1
Dakshin Dinajpur	3	Gangarampur	Gangarampur Municipality P.O.- Gangarampur, Dist.- Dakshin Dinajpur, PIN - 733 124.	1
Darjeeling	4	Kurseong	Kurseong Municipality 13, DOW HILL Road, P.O.- Kurseong, Dist.- Darjeeling, PIN - 734 203.	1
Jalpaiguri	5	Mal	Mal Municipality P.O.- Malbazar, Dist.- Jalpaiguri, PIN - 735 221.	1
Medinipur (West)	6	Chandrakona	Chandrakona Municipality P.O.- Chandrakona, Dist.- Paschim Midnapore, PIN - 721 201.	1
	7	Ghatal	Ghatal Municipality P.O.- Ghatal, Dist.- Paschim Midnapore, PIN - 721 212.	1
	8	Jhargram	Jhargram Municipality 420, Circle-7, P.W. Main Road, P.O.- Jhargram, Dist. - Paschim Midnapore, PIN - 721 401.	1
	9	Kharar	Kharar Municipality 85, Kharar, P.O.- Kharar, Dist.- Paschim Midnapore, PIN - 721 222	1
Purulia	10	Jhalda	Jhalda Municipality Ranchi-Purulia Road, P.O.- Jhalda, Dist.- Purulia, PIN - 723 202	1
Uttar Dinajpur	11	Dalkhola	Dalkhola Municipality P.O.- Dalkhola, Dist.- Uttar Dinajpur, PIN - 733 201.	1
	12	Islampur	Islampur Municipality P.O.- Islampur, Dist.- Uttar Dinajpur, PIN - 733 202.	1
TOTAL				12

SUDA

STATE URBAN DEVELOPMENT AGENCY

HEALTH WING

"ILGUS BHAVAN"

H-C BLOCK, SECTOR-III, BIDHANNAGAR, CALCUTTA-700 091
West Bengal

Ref No.SUDA-Health/05/08/571

Date19.01.2010

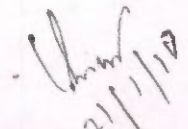
From : Director, SUDA

**To : The Chairman
Sainthia Municipality**

Sir,

With reference to your communication vide memo no. 4040/SM/2009 dt. 04.12.2009, I am to state that since Dr. S.K.Chowdhury has filed a Writ Petition bearing no. 5581(W) of 2009 in this regard before the Hon'ble High Court, Calcutta and the matter is subjudice, the undersigned is not in a position to offer any advice / views at present.

Yours faithfully,



Director, SUDA

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O. - SAINTHIA DIST. - BIRBHUM

From: The Chairman / Vice Chairman

Memo No. 4040 /SM/2009

SAINTHIA MUNICIPALITY

Dated. 04.12.2009.

To
The Director,
State Urban Development Agency
(Health Wing)
ILGUS Bhavan,
HC Block, Sector-III
Bidhannagar, Kolkata-700106



PO (H)
✓
14/11

Sub: - Engagement of Health Officer under CBPHCS
Programme in Sainthia Municipality.

Sir,

Enclosed, please find herewith a xerox copy of the application dated 13.11.2009 of Dr. Sailendra Kumar Chowdhury, existing Medical Officer under CBPHCS Programme of Sainthia Municipality, which will speak for itself. A copy of this office memo no. 1071/SM/2009 dated 26.03.2009 alongwith enclosures is furnished herewith again to you with the request kindly to advise us as to the rightful course of action is to be taken from this end in respect of the above stated application dated 13.11.2009 of Dr. Sailendra Kr. Chowdhury.

An early reply in the matter is requested.

Enclo: - As stated.

Yours faithfully,

B.K. Parashar.
04.12.09
Chairman,
Sainthia Municipality
SAINTHIA, BIRBHUM

To
The chairman
Sainthia, Birbhum

Nov 13, 2009.

Dear Sir,

My present term expires on 31 January, 2010. I pray to you to extend my tenure further for subsequent period as it may prove essential to you. It would be helpful to me if

1. One year extension is allowed by you.
2. The wages are recast at Rs 18,700.00 as is being paid to the HO of Taki, Dumdum, Arambagh and many other municipalities under CBPHCS Programme funded by SUDA.

Consequently, you must be aware that I as a MO has been performing all the duties of HO as has been ordered by the Director, SUDA and truly I left no gap in carrying out each and every duties of the HO, The Sainthia municipality is the only and only municipality in the whole district of Birbhum, which is continuing with the **School Health programme** in due sincerity and dedication under the leadership of the MO/ HO. The inputs of success in school health would be made available to you by the MO in a **special file** maintained exclusively in the office to help you present the **uncommon, rare cases** to the higher authorities whenever you decide with latest reports. Pledging my sincere continued service to the municipality and your good offices.

Yours truly

Sailendrakumar Chowdhury

Dr Sailendra Kumar Chowdhury
MBBS(Cal), MS(Cal)
Asirwad Nursing Home
Netaji Subhash Sarani
Sainthia, Birbhum, 731234.
Ph: (03462) 262-365.

Medical Officer
CBPHCS Programme
Sainthia Municipality.

Prayer for extension of tenure may be
placed in the next meeting of B.O.C,
if approved

To Chairman

B.L. Saradh
19.11.09

[Signature]
17/11/09

OFFICE OF THE COUNCILLORS
SAINTHIA MUNICIPALITY

P.O.-SAINTHIA O DIST.-BIRBHUM

**From: The Chairman / Vice Chairman
SAINTHIA MUNICIPALITY**

**Memo No. 1071 /SM/2009
Dated 26.03.2009**

To,
The Director,
State Urban Development Agency,
ILGUS BHAVAN, HC Block,
Sector-III, Bidhannagar,
Kolkata-700106;

Sub.:- W.P. No.5581 (w) of 2009
Dr. Sailendra Kr. Chowdhury
Vs
State of West Bengal & Ors.

Sir,

Enclosed, please find, herewith the copy of the letter of dated 20.03.2009 of Sri Ashis Chowdhury, Ld. Advocate, Calcutta High Court along with its enclosures relating to the above noted subject.

A copy of the S.F. in this regard is also furnished herewith from this end for favour of your kind perusal and taking necessary action.

Enclo.:- As stated;

Yours faithfully,

Kazi Kamal Hossain

**Chairman,
Sainthia Municipality
SAINTHIA, BIRBHUM**

26.3.2009

Ole

Re. :- W.P.No.5581 (w) of 2009
Dr. Sailendra Kumr Chowdhury
Vs
State of West Bengal & Ors.

Statement of Facts :-

Para- 1 to 3 :- No coments

Para- 4 :- That the petitioner namely Dr. Sailendra Kumar Chowdhury, resident of Netaji Subhas Sarani, P.O.+ P.S.-Sainthia, Dist.-Birbhum, was engaged as Medical Officer under Community Based Primary Health Care Services in Sainthia Municipality vide this office Memo No.301/SM/2008 dated 31.01.2008 for 6 (six) months per day attendance basis at Rs.300/- per day subject to maximum of Rs.6, 000/- in a month as per relevant Government instruction in this regard and which was clearly mentioned in our relevant advertisements published in the notices inclusive of that published in the local news papers like Saptahik Didibhai & Naya Prajanma Patrika.

Para- 5 to 11 :- That your said petitioner joined on 01.02.2008 as Medical Officer under CBPHCS Programme in this Municipality and his term of said engagement was extended for 2 (two) months w. e. f. 01.08.2008 and subsequently for a further period of 6 (six) months w. e. f. 01.10.2008.

That meanwhile the State Urban Devlopment Agency (Health Wing) authorities informed as to the matter of recruitent of Health Officer and they brought out advertisement in respect of recruitment of Health Officers under CBPHCS Programme in the Urban Local Bodies.

That apropos of the said advertisement some candidates along with your petitioner submitted applications to this office for recruitment as a Health Officer under CBPHCS Programme in this Municipality and a brief description as to those candidates have been furnished to the Office of the SUDA (Health Wing) with the request to advice this office as to course of action might be taken from this end in the very matter vide this office No.671/SM/2009 dated 25.02.2009 and No.822/SM/2009 dated 28.02.2009 (copy enclosed, marked as Annexure "A" & "B")

That since then having not been intimated as to the action need be taken from this end as asked for in the very letter your petitioner vide No.847/SM/2009 Dated 04.03.2009 (copy enclosed, marked as Annexure-'C'), has further been engaged as Medical Officer w. e. f. 02.04.2009 to 31.07.2009 under CBPHCS Programme in this Municipality in anticipation of approval of the SUDA in this regard..

Para- 12 to 15 :- The authorities of the State Urban Development Agency (Health Wing) is the competent authority to act and react.

Kazji Kamal Hossain
Chairman,
Sainthia Municipality
SAINTHIA, BIRBHUM

26.3.2009



High Court Chamber :
6, Old Post Office Street,
5th Floor, Kolkata - 700 001
Phone : (033) 3022 1407
Fax : (033) 2831-0001
Mobile : 98301 92207

Ashis Kumar Chowdhury

Advocate
HIGH COURT CALCUTTA
Bar Association Room No.
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : barassohccal@vsnl.net
Residence

68239

10/03/09
25.03.09
H7
SP

To
The Chairman,
Sainthia Municipality,
P.O. Sainthia, Dist. Birbhum.

Sainthia Municipality
received on 25/3/09 File No 311

Date : 20.03.2008

Ref : W.P. No.5581 (W) of 2009
Dr. Sailendra Kumar Chowdhury
.....Petitioner.

-Versus-
The State of West Bengal
.....Respondent.

Dear Sir,

This is to inform you that the aforesaid writ application has been initiated by the petitioner challenging the inaction on the part of the respondent authorities, particularly respondent no.5 herein by not considering the representation dated 09.02.2007 and 27.02.2009 and the aforesaid writ application is pending before the Hon'ble High Court at Calcutta for adjudication.

I am sending herewith Xerox copy of the aforesaid writ application along with all annexures which shall be moved before the Hon'ble Justice on 25.03.2009 or so soon thereafter as and when the business of the Court will permit. Please be present at the time when the matter shall be taken up by His Lordship Hon'ble Justice Tapen Sen.

In the circumstances stated above I request you not to disturb the service of the petitioner till the disposal of the writ application, which please note.

Thanking You,

Yours faithfully,

Encls:- As stated above.

Ashis Kumar Chowdhury
Advocate

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

A.S.T. No. of 2009

W.P. No. 5581 (W) of 2009

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

Subject Matter relating to

Group - V Head (14)
of the Classification list;

Cause Title

Dr. Sailendra Kumar Chowdhury
..... Petitioner

-Versus-

The State of West Bengal & Ors.
..... Respondents

Ashis Kumar Chowdhury
ADVOCATE-ON-RECORD

ASHIS KUMAR CHOWDHURY
Advocate
6, Old Post Office Street,
5th Floor, Calcutta -700001.

DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

A.S.T. No. of 2009
W.P. No. 5581 (W) of 2009
In the matter of :
An application under Article 226 of the
Constitution of India;
And
In the matter of :
Dr. Sailendra Kumar Chowdhury
..... Petitioner
-Versus-
The State of West Bengal & Ors.
..... Respondents

INDEX

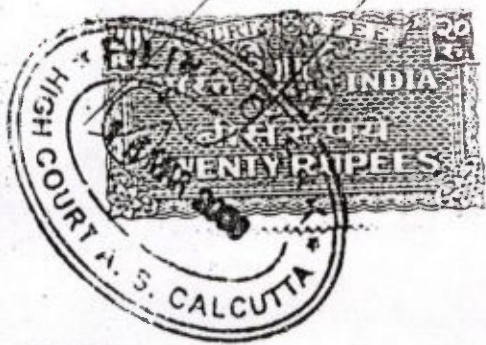
Sl. No.	Description	Annexure	Pages
1.	Writ Petition		1 to 16
2.	Xerox copies of the certificates of passing of the aforesaid examination by the petitioner and Registration Certificate as aforesaid.	"P-1"	17, 18, 19
3.	Xerox copy of the Affidavit	"P-2"	20.
4.	Xerox copy of the interview letter being Memo No.102-103/SM/2008 dated 08.01.2008.	"P-3"	21
5.	Xerox copy of the engagement letter to the post of Medical Officer.	"P-4"	22
6.	Xerox copies of the Extension Order issued by the Sainthia Municipality.	"P-5"	23, 24
7.	Xerox copy of the impugned notice.	"P-6"	25 to 31
8.	Xerox copy of the representation dated 09.02.2009	"P-7"	32, 33
9.	Xerox copy of the representation dated 27.02.2009.	"P-8"	34, 35
10.	Xerox copy of the Memo dated 06.03.2009	"P-9"	
11.	Vakalatnama		

LIST OF DATES

1. 1969 : Your petitioner passed the Higher Secondary Examination from West Bengal Board of Secondary Education.
2. 1979 : Your petitioner passed the Bachelor of Medicine and Surgery (MBBS), from Calcutta University.
3. 18.08.1993 : Your petitioner affidavit his name before the Court of Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum instead of Dr. Sailendra Kumar Mondal at present name Dr. Sailendra Kumar Chowdhury.
4. 08.01.2008 : Interview letter issued by the Chairman, Sainthia Municipality to your petitioner for appearing in the interview to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.
5. 31.01.2008 : Your petitioner have got engagement letter as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.
6. 31.07.2008 : The Chairman, Sainthia Municipality extended the term of engagement of the petitioner.
7. 30.09.2008 : The Chairman, Sainthia Municipality further extended the terms of engagement of the petitioner.
8. 09.02.2009 : The respondents issued impugned notification for appointment of a Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.

POINTS OF LAW

- I. Whether the respondent authorities are in duty bound to act in accordance with law or not?
- II. Whether the respondent authorities having the rights authority and jurisdiction to issue illegal notification for recruitment against the filled up post or not?



DISTRICT : BIRBHUM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

A.S.T. No. _____ of 2009

W.P. No. 5581 (W) of 2009

In the matter of :

An application under Article 226 of the
Constitution of India;

And

In the matter of :

A writ in the nature of mandamus
and/or certiorari and/or any other writ
or writs, direction or directions, order or
orders;

And

In the matter of :

The West Bengal Municipal Act, 1993 as
amended time to time and Rules framed
thereunder;

Shri K. K. Chatterjee
Advocate

12/85

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And

In the matter of :

Challenging the impugned notification
for recruitment to the post of Health
Officer for Community Based Primary
Health Care Service under Sainthia
Municipality;

And

In the matter of :

Dr. Sailendra Kumar Chowdhury
Son of Late Sibapada Mondal, working
as Medical Officer for Community
Based Primary Health Care Service
under Sainthia Municipality, residing at
Netaji Subhas Sarani, P.O. & P.S.
Sainthia, District - Birbhum.

..... Petitioner..

-Versus-

1. The State of West Bengal, service
through the Secretary, Department of
Municipal Affairs, Government of West

Bengal, Writers' Buildings, Kolkata-700001.

2. The Director of Local Bodies, Government of West Bengal, Purta Bhavan (1st Floor), Bidhannagar, Kolkata-700091.

3. The District Magistrate, Birbhum (M.A. Section), P.O. Suri, District-Birbhum.


4. The Director, State Urban Development Agency, ILGUS BHAVAN HC Block, Sector-III, Bidhannagar, Kolkata-700106.

5. The Sainthia Municipality, service through the Chairman, P.O. Sainthia, District-Birbhum.

..... Respondents.

To

The Hon'ble Surinder Singh Nijjar, Chief Justice and His Companion Justices of the Hon'ble Court.



The humble petition on behalf of the
petitioner abovenamed-

Most Respectfully Sheweth :-

1. That your petitioner is a law abiding citizen of India and is permanently residing at the address as mentioned in the cause title.

2. That your petitioner passed the Higher Secondary Examination in the year 1969 and obtained First Division and thereafter obtained the degree of "Bachelor of Medicine and Surgery" from Calcutta University and made Registration under West Bengal Medical Council.

Xerox copies of the certificates of passing of the aforesaid examination by the petitioner and Registration Certificate as aforesaid are annexed hereto and marked Annexure "P-1" collectively.

3. That your petitioner changed his surname before the Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum and declared his surname 'Chowdhury' instead of 'Mondal'.

Xerox copy of the 'Affidavit' before the Learned Executive Magistrate, Judicial Magistrate-II, Suri, Birbhum is annexed hereto and marked Annexure "P-2".

4. That on 8th January, 2008 the Chairman, Sainthia Municipality issued an interview letter being Memo No.102-103/SM/2008 dated 08.01.2008 to your

petitioner for appearing in the interview for engagement as Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality and the interview was held on 25.01.2008.


Xerox copy of the interview letter being Memo No.102-103/SM/2008 dated 08.01.2008 is annexed hereto and marked as Annexure "P-3".

5. That on 31st January, 2008 the Chairman, Sainthia Municipality issued an engagement letter being No.301/SM/08 to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality.

Xerox copy of the engagement letter to the post of Medical Officer as aforesaid issued by the Chairman, Sainthia Municipality to your petitioner is annexed hereto and marked as Annexure "P-4".

6. That your petitioner duly joined to the post of Medical Officer for Community Based Primary Health Care Service under Sainthia Municipality (hereinafter referred as to the said post) on 1st February, 2008 and continuously working in the said post with the fullest satisfaction of Sainthia Municipality and the Sainthia Municipality extended the term of the engagement of your petitioner.

Xerox copies of the Extension Order issued by the Sainthia Municipality as aforesaid are annexed hereto and marked as Annexure "P-5" collectively.



7. That in any event inspite of clear and specific knowledge about the fact that your petitioner is working as medical officer under Sainthia Municipality, the respondents authorities illegally, arbitrarily issued further notification for holding interview for the said post.

Xerox copy of the impugned notification for holding interview for the said post in Sainthia Municipality is annexed hereto and marked Annexure as "P-6".

8. That in any event your petitioner is working as Medical Officer to the said post since 1st February, 2008 continuously without any break with the fullest satisfaction of the respondents authorities more than one year and as such question of further holding of interview for the said post for the Sainthia Municipality does not arise at all. From the aforesaid facts and circumstances it is crystal clear that the impugned recruitment notification for the post of Medical Officer for community based primary health care service under Sainthia Municipality can not be sustained in the eyes of law and the same is liable to be set aside and/or quashed.

9. That your petitioner states that, your petitioner have made a representation dated 09.02.2009 before the respondent No.5 which was duly received by the said respondent authority vide Memo No.155 dated 16.02.2009 with the payer of continuation as 'Health Officer' after consideration for

relaxation of age bar for your petitioner vide SUDA adv vide SUDA advertisement dated 02.02.2009.

Xerox copy of the aforesaid representation dated 09.02.2009 received by the respondent authority vide Memo No.155 dated 16.02.2009 is annexed herewith and marked as Annexure "P-7".

10. That thereafter your petitioner made another representation dated 27.02.2009 before the respondent No.5 which was duly received by the respondent authorities vide Memo No.179/09 dated 02.03.2009 with a prayer for extension of his tenure as Medical Officer, CBPHCS, Sainthia Municipality.

Xerox copy of the aforesaid representation dated 27.02.2009 is annexed hereto and marked as Annexure "P-8".

11. That your petitioner states that the respondent authorities, particularly the respondent No.5 issued a Memo being No.892-897/SM/2009 dated 06.03.2009 to your petitioner stating interalia therein that-

"Sub job responsibilities;

A copy of the job responsibilities in respect of them, as has been prescribed by the State Urban Development Agency, Health Wing, Government of West Bengal is hereby forwarded to each of them with the direction for compliance of the same accordingly. The Sanitary Inspector in addition to the

prescribed responsibilities mentioned therein, will cause preparation of monthly working statement and remuneration bill timely & regularly in respect of all of the above stated workers as well as of the F.T. Ss., H.H. Ws. deployed under CBPHCS Programme and will furnish the same to the Accountant of this Municipality duly been authenticated by the Medical Officer, at the end of each month for payment of the monthly remuneration through the Accounts Assistant.

This order will take immediate effect and will continue until further order."

Xerox copy of the aforesaid Memo dated 06.03.2009 is annexed hereto and is marked as Annexure "P-9".

12. That your petitioner state that the job responsibilities of a Medical Officer and the health Officer are same and identical but the respondent authorities without considering the representation dated 09.02.2009 and 27.02.2009 of your petitioner are all set to take steps in regard to fresh recruitment for the post of 'Health Officer' on the basis of Circular vide SUDA advertisement dated 02.02.2009, which is highly illegal and violation of natural justice.

13. That in any event the respondents officials are public officials and they are binding by the statute. Their acts and actions should be non-discriminatory, reasonable and rational basis. But in the instant case the acts and actions of the

respondents authorities are not only illegal but also arbitrary and violation of Article 14 of Constitution of India.

14. That your petitioner is legally entitled to continue in the service in the said post because petitioner has been rendering service to the said post for last one year and your petitioner is also entitled to get pay scale of Rs.8,000/- to Rs.13,500/- according 5th pay commission report framed by the Finance Departments, Government of West Bengal.

15. That being aggrieved by and dissatisfied with the impugned recruitment notification for the said post (Annexure P-5 to this petition) your petitioner begs to move this application in the following amongst other :

GROUND

- I. For that in any event your petitioner is working as Medical Officer to the said post since 1st February, 2008 continuously without any break with the fullest satisfaction of the respondents authorities more than one year and as such question of further holding of interview for the said post for the Sainthia Municipality does not arise at all. From the aforesaid facts and circumstances it is crystal clear that the impugned recruitment notification for the post of Medical Officer for community based primary health care service under Sainthia Municipality can not be sustained in the eyes of law and the same is liable to be set aside and/or quashed.

respondents their men, agent, servant each one of them, particularly the respondent No.4 & 5 not to proceed with the notification dated 02.02.2009 issued by State Urban Development Agency, respondent no.4 herein without considering the representation of the petitioner dated 09.02.2009 and 27.02.2009.

b) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them, particularly the respondent No.4 & 5 not to take any steps for recruitment for the post of Health Officer under Sainthia Municipality without considering the representation of the petitioner, being Annexure P-7 and P-8 respectively and further directing the respondent

authorities not to disturb the service of the petitioner in any manner whatsoever.

c) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them particularly the respondent No.4 & 5 herein to allow the petitioner to continue and performing his duties as a medical officer for community based primary Health Care Service under Sainthia Municipality.

d) A writ in the nature of Mandamus commanding the respondents their men, agent, servant each one of them particularly the respondent No.4 & 5 herein to give the pay scale Rs.8,000/- - Rs.13,500/- as admissible according to 5th pay commission report of the Finance

Department, Government of West Bengal.

e) A writ in the nature of certiorari by directing the respondent to certify and transmit the records and documents of this case before this Hon'ble Court so that conscionable justice be done forthwith ;

f) Rule NISI in terms of prayers (a) to (e) above.

g) Ad-interim of injunction by restraining the respondent from holding interview to the post of Medical Officer for community based primary health care service under Sainthia Municipality in any manner whatsoever.

h) Ad-interim in order by directing to allow the petitioner to continue and

performing his duties as a medical officer for community based primary Health Care Service under Sainthia Municipality.

- i) Make the Rule absolute if no cause or insufficient cause is shown by the respondents.
- j) Costs pertaining to this application.
- k) Any other order or orders as to your Lordship may deem fit and proper.

And your petitioner as in duty bound, shall ever pray.

Sailendrakumar Chowdhury

17 3 8



AFFIDAVIT

I, Dr. Sailendra Kumar Chowdhury, son of Late Sibapada Mondal, aged about 45 years, by faith Hindu, by occupation -Service, residing at Netaji Subhas Sarani, P.O. & P.S. Sainthia, District - Birbhum, do hereby solemnly affirm and say as follows:-

1. I am the petitioner of the instant case and as such I am well acquainted with the facts and circumstances of the case.
2. That the statements made in the paragraphs 1 to 7 are true to my knowledge and rests are my humble submissions before this Hon'ble Court.

Prepared in my office

Aswini Kumar Choudhury
Advocate

Sailendrakumar Chowdhury
Deponent is known to me

Sanjay Ray
Clerk to Mr. :

Advocate

Solemnly affirmed before me
on this the *16th* day of March, 2009.

COMMISSIONER

Commissioner of Affidavit
High Court Appellate Side
Calcutta

17/3

Amaraene-17

Central Board of Secondary Education



HIGHER SECONDARY EXAMINATION

Certified that Saidendra Kumar Mandal
 Son/Daughter of Saidendra Kumar Mandal
 appearing from Sir Churn Chandra School, whose date of birth
 is Ninth day of February One thousand nine hundred and
fifty four, duly passed the Higher Secondary Examination
 held in the month of March 1969 and was placed in the First Division.



CALCUTTA
 28. 3. 72

S. R. Chatterjee

Secretary

B. S. Chatterjee

President