

06.07.2021
SL No. 38
Court No. 24
(P.M.)

WPA 662 of 2021

Jaya Dhibar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Rudranil De,
Ms. Anwasha Haldar
... for the petitioner

Mr. Monish Sen,
Ms. Oisani Mukherjee
... for the respondent Nos. 4 to 6

Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha
... for the State

The petitioner was appointed as Guest Lecturer by the governing body of the Nistarini College, Purulia on 1st July, 2019.

She seeks benefit in terms of the Memorandum dated 23rd December, 2019 issued by the Joint Secretary, Higher Education Department (College Sponsored Branch), Government of West Bengal.

In terms of the aforesaid Memorandum, Guest Teachers having qualification for being appointed as teachers in the Colleges as prescribed by the University Grants Commission and as followed by the West Bengal College Service Commission, on the date of issuance of the order is to be renamed as State Aided College Teacher, Category I and will be entitled for the remuneration as

mentioned in the said Memorandum. The benefit of the Memorandum was allowed in respect of Guest Teachers who were engaged in the College on or before 13th July, 2019.

Admittedly the petitioner was appointed prior to the said date.

For reasons best known to the College, the College was unable to upload the details of the petitioner in the official portal of the Higher Education Department, Government of West Bengal for approval as State Aided College Teacher within the date specified by the State Government. The details were required to be uploaded online within 25th September, 2019.

The learned advocate representing the College submits that the name of the petitioner could not be uploaded within the due date but seeks time to upload the same if the portal is open for a single day. The College authority requested the Higher Education Department for opening their official portal for a very limited period, but as the portal has not been opened as per the request of the College, accordingly the name of the petitioner could not be uploaded.

The College authority admits that the petitioner is entitled to the benefit in terms of the aforesaid Memorandum.

The learned advocate representing the State respondents submits that it was the duty of the College to

upload the details of the eligible teachers within the cut off date i.e. within 25th September, 2019. The official portal of the Higher Education Department has not been opened for given benefit in terms of the aforesaid Memorandum after the date as mentioned i.e. after 25th September, 2019.

It has been submitted that in the event the portal is opened at this stage then teachers of other Colleges may also claim the same benefit.

The State respondents also do not deny that the petitioner is eligible to get the benefit in terms of the said Memorandum.

As it appears from the submission of all the parties that the eligibility of the petitioner for getting the benefit in terms of the said Memorandum is not in dispute, accordingly the petitioner ought not to suffer in view of the delay on the part of the College authority to upload her name in the official portal of the Higher Education Department.

In view of the above, the instant writ petition is disposed of by directing the State respondents to open the official portal of the Higher Education Department, Government of West Bengal for a very limited period of forty eight hours only.

The College authority shall promptly upload the details of the petitioner in the official portal so that the benefit in terms of the aforesaid Memorandum may be extended to her.

The representative of the Higher Education Department shall intimate the College as regards opening of the official portal so that the College can upload the details of the petitioner at the earliest.

It is made clear that if any other name is uploaded in the portal, the same shall not be taken into account for the purpose of extending the benefit in terms of the aforesaid Memorandum.

Steps shall be taken in this matter by the State respondents within a period of four weeks from date.

WPA 662 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(**Amrita Sinha, J.**)