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12.07.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 8001 of 2021
(Via Video Conference)**

**Subhas Chandra Kuiry & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Avishek Prasad,
Mr. Rameswar Sinha.
...For the Petitioners.**

**Mr. Sougata Mitra,
Ms. Ankita Dey.
...For the College Authority.**

**Mr. Raja Saha,
Mr. Ranjit Rajak.
...For the State.**

The petitioners were successful in the selection process for appointment in the post of Clerk in the Netaji Subhas Ashram Mahavidyalaya, District-Purulia.

By a Memo dated 13th March, 2020, the Director of Public Instruction, West Bengal accorded approval to the panel prepared by the Selection Committee as endorsed by the Governing Body of the College. The name of the petitioners appeared in serial No.1 of the respective posts.

The grievance of the petitioners is that in spite of being successful the selection, no letter of appointment has been issued in their favour till date.

The learned advocate appearing for the College Authority submits, upon instructions, that by a communicating memo dated 31st August, 2020 the Assistant Secretary, Department of Higher Education, Government of West Bengal intimated the Principal of the College that the Governor has been pleased to appoint the Sub-Divisional Officer, Jhalda, Purulia as Administrator of the College upon dissolving the existing Governing Body of Netaji Subhas Ashram Mahavidyalaya. The said Administrator has been directed to act till reconstitution of the Governing Body of the College.

It has been submitted that the petitioners are duly entitled to be appointed, but as there was no Governing Body, the appointment letter could not be issued in favour of the petitioners.

As it appears from the submissions of the parties that the petitioners were successful in the selection process and the panel prepared by the Selection Committee has duly been approved by the Director of Public Instruction, accordingly, the petitioners are entitled to be issued letter of appointment. Due to the non-functioning of the Governing Council of the College, the petitioners ought not to suffer.

The Administrator who is presently in-charge of the College is directed to issue appointment letter in favour of the petitioners. The appointment letter shall be issued strictly in accordance with law, after complying all necessary formalities within a period of four weeks from the date of communication of a copy of this order.

The instruction given by the learned advocate for the College Authority is retained with the records.

The writ petition has been filed by three petitioners by depositing only one court fees.

The learned advocate appearing for the petitioner is directed to deposit the deficit court fees in respect of two petitioners in course of the day. In default, the order passed herein shall be restricted in respect of the petitioner No.1 and the writ petition shall be deemed to have been dismissed in respect of the others.

WPA 8001 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.)