

Item No.19

14.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 17043 of 2021
Ramendranath Adak
v.
The State of West Bengal & Ors.

Mr. Pinaki Ranjan Mitra
Mr. Ashim Kumar Roy
... for the petitioner.

Mr. Bhaskar Prosad Vaisya
Mr. Suman Dey
... for the State respondents.

Mr. Subir Sanyal
Mr. Ratul Biswas
... for the Council.

The petitioner was appointed as Assistant Teacher on probation for two years from the date of joining under the District Primary School Council, Howrah by a letter of appointment dated 2nd December, 2014. His service was temporary. The petitioner accepted the appointment letter and joined on December 11, 2014.

It is the case of the petitioner that on and from January 2015 he fell sick and was not in a position to attend the school. He intimated the Sub-Inspector of Schools for the first time in 2017 about his absence and forwarded the medical certificates in support of his ailment.

By a communication dated August 18, 2017 the Sub-Inspector of Schools, Shyampur South Circle intimated the petitioner that the medical certificate which was produced by him did not have any registration number of the medical practitioner and he did not furnish the appropriate documents in support of his physical problem.

According to the petitioner he thereafter submitted the medical documents obtained from the medical practitioner.

The petitioner's grievance is that he made several representations before the respondent authorities seeking permission to resume his duties, but none of his representations have been considered.

I have perused the averments made in the writ petition and the documents annexed thereto. It appears that the initial letter of appointment issued in favour of the petitioner was for a period of two years only. The service was purely temporary. The petitioner hardly attended the school after his formal joining on December 11, 2014. He remained absent from January, 2015 and applied for resumption of his duties in August, 2017.

As the service of the petitioner was not extended or approved after his probationary period of two years, accordingly the petitioner does not have any right to claim resumption of his duties. The relief prayed for by

the petitioner for consideration of his representation will not serve any purpose. No right accrued in favour of the petitioner by merely accepting the letter of joining but not performing any duties for the entire probationary period.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)