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09.07.2021.
d.p.

**W.P.A 8295 of 2020
(Via Video Conference)**

**Radhu Roy
-versus
The State of West Bengal & Ors.**

**Mr. S.S. Arefin.
...For the Petitioner.**

**Mr. Manish Sen.
...For the College Authority.**

The petitioner claims to be appointed as Group-D staff in the year 1998 as peon of the Maharajadhiraj Uday Chand Women's College.

The petitioner has annexed a certificate issued by the College dated 24th November, 2014 which mentions that the petitioner was engaged by the College on daily wage basis on 1st December, 2007 as temporary staff and he serves the College on fixed wage basis.

The petitioner applied before the College for regularization of his service as Group-D staff.

The petitioner relies upon Memoranda nos.2966-F(P) dated 23rd April, 2010 and 11794-F(P) dated 22nd December, 2010 both issued by the Finance Department, Audit Branch, Government of West Bengal by which the Government allowed the casual, daily-rated workers engaged in various departments of the Government for more than ten years and for at least 240 days each year certain financial benefits.

The petitioner submits that he will be entitled to the financial benefits as mentioned in the aforesaid memoranda.

The petitioner also relies upon the judgment delivered by the Hon'ble Supreme Court in the case of State of Karnataka vs. Uma Devi reported in AIR 2006 SC 1806.

The learned advocate appearing for the College authority submits that the petitioner is a casual staff of the College and he is being paid from the College fund on regular basis. The post in which the petitioner is working is not a sanctioned post. There are several such Group-D staff in the College.

It has been submitted that the memoranda relied upon by the petitioner will not be applicable in the instant case inasmuch as the said memoranda are in respect of the casual/daily-rated/contractual workers of the Government establishments.

It has also been submitted that the Institution where the petitioner is serving is not a Government establishment but it is a Government Aided College and the petitioner is being paid from the College fund. It has further been submitted that there is no threat to the service of the petitioner at present and he will be allowed to work in the College.

In view of the submission made hereinabove, I am of the opinion that the memoranda relied upon by the petitioner will not be applicable in respect of the staff of Government Aided colleges. The petitioner is working in a non-sanctioned post of the College. He is

being paid on regular basis from the College fund.
There is no dispute with his engagement.

In view of the above, no relief can be granted to
the petitioner in the instant case.

WPA 8295 of 2020 stands dismissed.

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

(Amrita Sinha, J.)