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09.09.2021.
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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

**W.P.A 1049 of 2021
(Via Video Conference)**

**Arup Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Jagriti Mishra,
Mr. Arindam Paul.
...For the Petitioner.**

**Mr. Hirak Barman,
Ms. Bedashruti Bose.
...For the State.**

The petitioner was engaged as Workshop Instructor in the Jalpaiguri Government Engineering College, Jalpaiguri. The engagement was contractual in nature and the same stood extended from time to time. Last of such extension was till 31st August, 2021.

The petitioner relies upon a Memorandum No. 31-Edn(T)/EH/O/CS/4A-57/2019 dated 22nd January, 2021 issued by the Deputy Secretary, Higher Education Department (Technical Branch) and submits that the petitioner may be extended the benefit of the said memorandum. According to the petitioner, the contents laid down in the said memorandum are very much applicable in his case.

It appears from records that the Registrar (Officiating) of the Jalpaiguri Government Engineering College made a representation to the Director of Technical Education on 28th January, 2021 requesting the authority to extend the benefit of the aforesaid

memorandum to the Part-time Workshop Instructor. The same has not been answered till date.

According to the respondents, the aforesaid Memorandum dated 22nd January, 2021 will not be applicable in case of the petitioner.

As it appears that the representation from the Registrar of the Engineering College is pending consideration at the end of the Director of Technical Education and the said representation has been made for extending the benefit to the petitioner, accordingly, the instant writ petition is disposed of by directing the respondent No.5 being the Director of Technical Education, West Bengal to take a decision with regard to the prayer made by the College for extension of the benefit of the Memorandum dated 22nd January, 2021 to the petitioner after giving an opportunity of hearing to the petitioner or his authorized representative, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

In the meantime, the respondent authorities will be at liberty to take a decision with regard to the prayer of the petitioner for extension of his period of contract.

WPA 1049 of 2021 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)