

08. 12.08.2022
BD Ct.15

W.P.A. 4731 of 2017
(AST 546 of 2010)

With
CAN 1 of 2011 (Old CAN 2733 of 2011)
CAN 2 of 2022

Reazuddin Ahamed

-vs-

The Principal/Teacher-in-Charge, Kaliachak College &
Ors.

Mr. Golam Mastafa

Mr. T.S. Samanta

Mr. Samirul Sardar

... for the petitioner.

Mr. N. Ghosh Dastidar

... for the State.

The application being CAN 2 of 2022 is for expeditious hearing of the connected writ petition as submitted by Mr. Mastafa, learned advocate, representing the applicant.

The application is taken up for consideration in presence of the learned advocates representing the petitioner and the State respondents.

Considering the prayer made in this application this Court does not find it necessary to keep this application pending on record. Accordingly, the same stands disposed of in consideration of the fact that connected writ petition is also running in the cause list under the heading hearing.

The application being CAN 2 of 2022 stands disposed of.

At this stage the learned advocate representing the petitioner has submitted before this Court that the connected writ petition can be disposed of by giving direction upon the Director of Public Instruction, West Bengal, to take decision on the claim of the petitioner for his fitment in the vacant post of Library Clerk (Group-C) in Kaliachak College, District- Malda, (hereinafter referred to as “said college”) by promotion.

It has also been contended that the petitioner is presently working in the post of Library Peon Group-D in the said college on substantive basis and is going to be superannuated with effect from 1st November, 2022. It has also been brought to the notice of this Court that vide interim order passed by a co-ordinate Bench on 2nd September, 2010 the College authority has been injuncted from filling up the said post of Library Clerk and the interim order dated 2nd September, 2010 is still subsisting.

It has also been submitted that since petitioner is going to retire with effect from 1st November, 2022 the Director of Public Instruction, Government of West Bengal, being the respondent no. 3 be directed to take a decision on the claim of the petitioner for his fitment in the post of Library Clerk which is a group-C post prior to the superannuation of the petitioner.

Mr. Ghosh Dastidar, learned advocate, is representing the State respondents. However, no

one is representing the College authority today.

On behalf of State respondents it has been submitted that there is no provision for granting promotion of the petitioner from the post of Library Peon to the post of Library Clerk. Furthermore, it has also been added that the said college at the relevant point of time was affiliated to North Bengal University and the recruitment/promotion of the non-teaching staff of the college in question was required to be made under the statute of the said university.

This Court has also heard the learned advocates representing the petitioner and the State respondents in order to dispose of the connected writ petition.

It appears that by virtue of an interim order passed by a co-ordinate Bench on 2nd September, 2010 which stood extended subsequently the said college authority perhaps has not been able to fill up the vacant post of library clerk and the petitioner who is manning the post of library peon who is going to retire on 31st October, 2022. Therefore, no purpose would be sub-served in keeping the connected writ petition pending.

Accordingly, this Court directs the Director of Public Instruction, Government of West Bengal, being the respondent no. 3 to take decision on the claim of the petitioner for fitment against the post of Library Clerk (Group-C) by way of promotion within a period of four weeks from the date of

communication of this order. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner within one week thereafter. The said college authority is also directed to co-operate the respondent no. 3 in taking decision, if necessary, by forwarding necessary documents to the respondent no.3.

With the aforesaid direction the writ petition stands disposed of and the interim order passed on 2nd September, 2010 stands vacated. The application, if any pending, also stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)