

14.6.2022
BR

WPA 3492 of 2015
With
CAN 1 of 2016 (Old No. 2861 of 2016),
CAN 2 of 2021, CAN 3 of 2022

Jagannath Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Bhudeb Chatterjee,
Mr. Rajendra Banerjee
... for the petitioner

Petitioner challenges an order dated May 8, 2014, passed by the Director of Public Instruction, Education Directorate, West Bengal whereby his claim for regularization has been rejected.

It appears that the petitioner was initially appointed as a Cashier-cum - Accountant in Sailajananda Falguni Smriti Mahavidyalaya, Birbhum. It was the case of the petitioner before the Director of Public Instruction that he has been working in the said post continuously for 19 years but salaries and other benefits have not been extended to him like the other regular employees. On October 21, 2012, Governing Body of the College took a resolution for his

appointment to him to the sanctioned post of Lower Division Clerk which is still lying vacant.

The Director of Public Instruction observed that as per Notification No. 773-Edn(CS) dated August 17, 1998, the Higher Education Department of the State approved the proposal for establishment of the said Sailajananda Falguni Smriti Mahavidyalaya, Birbhum. It was laid down in the said Government Order that recruitment in the non-teaching post should be made subject to observation and recruitment rules prescribed by the Government and provision of statute of the concerned affiliated University. No post of clerk and cashier was approved by the department in the said Government Order No. 773-Edn(CS) dated August 17, 1998. Subsequently, by an order dated February 25, 2008, Higher Education Department approved eight non-teaching post with the concurrence of the Finance Department, Government of West Bengal in favour of the college. No proposal for regularisation of the service of the petitioner was forwarded by the college to the Director

of Public Instruction. The Director of Public Instruction observed that he was not in a position to deal with the issue of regularisation as it was purely a policy matter.

I am of the view that the Director of Public Instruction, West Bengal rightly declined to regularise the service of the petitioner since there is no scope to regularise the service of the petitioner in violation of the Government Order dated August 17, 1998, as referred to above.

No interference is called for, however, if subsequently if any regular recruitment procedure is undertaken by the college to fill up the post of Lower Division Clerk, petitioner will be at liberty to approach this Court seeking appropriate relief.

Accordingly WPA No. 3492 of 2015 is disposed of.

Parties are directed to act on the server copy of this order.

(Kausik Chanda, J.)