

30.11.2023

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WPCRC 75 of 2023
in
WPA 4980 of 2019

Mohua Mandal
Vs.
Amal Kanti Hati & Anr.

Mr. Arindam Majumder
Mr. S.K. Poddar
... For the petitioner.

Mr. Rudra Jyoti Bhattacharjee
Ms. Debjani Ghosal
... For the College.

Mr. Swapan Kr. Datta, Sr. Advocate,
Mr. Tapas Kr. Dey
... For alleged contemnor no. 6.

In disposing of WP 4980 (W) of 2019 on June 13,
2022, this Court directed, inter alia, as follows:

“... In view of the discussion made above, I am of the opinion that the petitioner should be reinstated in college. Accordingly, I direct the college to allow the petitioner to join her duties within one week from the date of communication of this order, if she is otherwise eligible.

The petitioner shall be treated to be in her regular service from February 9, 2018 to her date of joining in terms of this order. The salary and other benefits of the petitioner shall be calculated treating her to be in service for the said period. However, the petitioner will not be entitled to any arrear benefits.”

The said order has been complied with by the college. Though the petitioner rejoined her post on January 10, 2023, she has been performing her duties without any salary since her appointment has not been approved by the Director of Public Instruction, West Bengal.

The Director of Public Instruction, West Bengal was a party in the writ petition. In this contempt application, the Director of Public Instruction, West Bengal has, however, was not made a party.

This Court by an order dated July 19, 2023, directed the petitioner to add the Director of Public Instruction, West Bengal as a party in this contempt application.

An affidavit has been filed on behalf of the Director of Public Instruction, West Bengal. Let such affidavit be kept with the records.

Mr. Swapan Kr. Dutta, learned Senior Advocate, appearing for the Director of Public Instruction submits that the service of the petitioner could not be approved since the college did not furnish particulars of the petitioner in terms of the Circulars dated September 03, 2019 and December 23, 2019. He further submits that there was no direction upon the Director of Public Instruction to approve the service of the petitioner.

The stand of the Director of Public Instruction, West Bengal is frivolous and not at all acceptable. The petitioner was not in service between the period from

February 09, 2018 to January 10, 2023. Naturally, the college had no accession to upload particulars of the petitioner for extending the benefits of the memorandum dated December 23, 2019 to the petitioner.

It was only expected that the Director of Public Instruction would approve the service of the petitioner in the spirit of the order dated June 13, 2022.

The Director of Public Instruction, West Bengal is directed to approve the service of the petitioner, if she is otherwise eligible, within a period of two weeks from date of communication of this order.

List this matter after three weeks under the same heading when the Director of Public Instruction shall file an affidavit-of-compliance.

(Kausik Chanda, J.)