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rkd Ct.15

W.P.A. 5962 of 2020
(IA NO: CAN 1/2020 (Old No: CAN 4122/2020))

Sumanta Kumar Ghatak
-vs-
The State of West Bengal & Ors.

Mr. Gaurab Das,
Mr. Gemanta Kumar Das,
Mr. Nepesh Majhi

....for the petitioner.

Mr. Amitava Chaudhuri,
Mr. M. Chaudhuri,
Mr. N. Roy

....for the College.

Mr. Swapan Kumar Datta,
Mr. Dipankar Das Gupta

....for the State.

Petitioner is seeking benefit of Memo dated 27th May, 2019 issued by the Director of Public Instruction, West Bengal (for short "DPI").

Mr. Das, learned advocate appears on behalf of the petitioner and submits that he was appointed as Guest Lecturer in Acharya Prafulla Chandra College (for short "said college") vide letter dated 31st October, 2014 and he worked there continuously till September, 2018 therefore the benefit as provided in the Memo dated 27th May, 2019 issued by the DPI is applicable in his case.

In addition thereto, petitioner has also relied upon the order dated 30th September, 2019 passed by the coordinate Bench on the writ petition filed by the petitioner being W.P.18791(W) of 2019

whereby the College Authority was directed to upload details of the petitioner on the relevant website in the event petitioner fulfils conditions as stipulated in the Memoranda dated 27th May, 2019 and 3rd September, 2019.

Grievance of the petitioner is in spite of such direction being given by the coordinate Bench in the order dated 30th September, 2019 the details of the petitioner was not uploaded in the website as Guest Lecturer in terms of the said Government Memoranda dated 27th May, 2019 and 3rd September, 2019. Petitioner prays for uploading of his details as Guest Lecturer pursuant to such Government Memoranda.

Mr. Chaudhuri, learned advocate appears on behalf of the College Authority, respondent nos.4 & 5 and has submitted upon placing reliance on one letter dated 25th August, 2020 of the Joint Registrar, University of Burdwan addressed to the College Authority which is at page 31 of the affidavit-in-opposition affirmed on behalf of the said college whereby the College Authority was informed that the petitioner joined as SERB-NPDF on 18th July, 2017 in the University of Burdwan under the mentorship of Prof. Pabitra Chattopadhyaya, Department of Chemistry. According to the said

College Authority since the petitioner joined in the University of Burdwan on 18th July, 2017 as it emanates from the letter dated 25th August, 2020, petitioner cannot be considered as Guest Lecturer in the said College.

The State respondents are represented by Mr. Dutta, learned Additional Government Pleader who has submitted that the details of the petitioner as Guest Lecturer were not uploaded in the website at the relevant point of time and at the present moment there is no scope of uploading such details as prayed for by the petitioner since the concerned portal is closed.

This Court has considered the submissions of the parties and has perused the relevant documents available on record.

It appears that though petitioner has prayed for getting the benefit of Government Memo dated 27th May, 2019 by uploading details of the petitioner as Guest Lecturer in the website but on perusal of such Government Memorandum it appears that such uploading is necessary when the Guest Lecturer is serving the respective college for at least one year in the last two years as on 1st of January, 2019.

Considering such provision as contained in

the Government Memo dated 27th May, 2019, it appears to this Court that the condition which is required to be fulfilled for uploading the details of the Guest Lecturer in the website is that the candidate has to serve the college as Guest Lecturer at least one year in last two years preceding 1st of January, 2019. In the present case since the petitioner joined the Burdwan University as it appears from letter dated 25th August, 2020 on 18th July, 2017 therefore it can be perceived that such condition as contained in Government Memo dated 27th May, 2019 is not fulfilled by the petitioner.

In addition thereto, though reliance has been placed on the order of the coordinate Bench dated 30th September, 2019 but in the said order the coordinate Bench has specifically clarified that uploading of details of the petitioner as Guest Lecturer is necessary in the event petitioner fulfils the conditions.

Since in the present case petitioner joined the University of Burdwan on 18th July, 2017 therefore it appears that he cannot be considered as Guest Lecturer with effect from 19th July, 2017 in the said College and as such, he cannot claim the benefit of the Government Memo dated 27th

May, 2019.

In view of such finding, this Court does not find any merit in the writ petition and the same stands dismissed. Connected application being CAN 1/2020 (Old No: CAN 4122/2020) also stands disposed of, if pending.

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.)