

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9414 of 2021

Argha Ghosh
Vs.
State of West Bengal & Ors.

Mr. Asim Kumar Niyogi
... For the petitioner

Mr. Sudipto Panda
Mrs. Munmun Tewary
... For the State

The petitioner was appointed as a Contractual Instructor to train the students in the vocational unit operated at Talpukur Kshetramohan Memorial High School (HS). The appointment letter was issued by the School on 21st February, 2011. The vocational course against which the petitioner was appointed as a Contractual Instructor was sanctioned by the West Bengal State Council of Vocational Education & Training (hereinafter referred to as the “said Council”) on the request of the School by a letter dated 22nd December, 2010. The session for which such vocational training course was approved is academic session 2010-2011 with effect from January 2011. It is submitted on behalf of the petitioner that the School authorities in October 2013 closed down the vocational training course operated thereat. The petitioner is seeking engagement as Contractual Teacher/Instructor in a relocated vocational training centre from the respondent

no.6, i.e., the Joint Secretary, Department of Technical Education, Training & Skill Development.

After hearing the parties and perusing the record, I find that the role of West Bengal State Council of Vocational Education & Training in the appointment of the petitioner as Contractual Instructor is very limited. It is the School who had been sanctioned the training course had appointed the petitioner as a Contractual Instructor. The petitioner's remuneration was, however, paid by the School out of the grant given by said Council. The petitioner, therefor, has no vested right in claiming engagement from the respondent no.6 in relocated vocational training centre, particularly, in view of the fact that the petitioner was not engaged by the West Bengal State Council of Vocational Education & Training.

The writ petitioner is, therefor, devoid of merit insofar as prayer (a) is concerned. The prayer (a) cannot be granted either in final or interim form and, as such, is rejected.

Prayer (b) of the writ petition relates to release of remuneration from 1st April, 2013 to 30th September, 2013. So far as the petitioner's claim for unpaid remuneration for six months from 1st April, 2013 to 30th September, 2013 is concerned, the respondent no.3, being the West Bengal State Council of Vocational Education & Training, shall get a clarification from the respondent no 4, being the Headmaster/TIC & Project Co-ordinator of VTC Code CSC

1276, Talpukur Kshetramohan Memorial High School (HS) as to whether the petitioner had worked for these six months and shall disburse the remuneration directly to the petitioner if the respondent no.4 certifies that the petitioner had worked for the said six months. This procedure is followed as the vocational Training Centre at the said School has been discontinued and it is the Council who provided the grant to the School wherefrom the petitioner was paid. Direct payment by the Council to the petitioner will in no way mean any recognition of service of the petitioner by the Council.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)