

17.08.2022.
Court No.13
Item No. 18
ap

W.P.A. No. 19783 of 2017

**Arpita Saha
Versus
The State of West Bengal & Ors.**

Mr. Tapas Mukherjee,
Ms. Joyita Roy.

...For the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas.

...For the State.

The petitioner was appointed in a temporarily created additional post in Dugdia Paltadanga High School, Barasat, District – North 24 Parganas on 20th March, 2013 for a period of two years.

The petitioner's service was discontinued after expiry of two years. The petitioner claims a right of being recommended for permanent retention in the School, inter alia, on the basis of a Circular dated 8th December, 1988.

This Court is of the view that a teacher appointed in an ad hoc additional post, cannot have any right of seeking permanent retention.

The Circular dated 8th December, 1988 being No. 2974 confers an exclusive discretion on the School to recommend the name of any candidate appointed in additional post for further retention.

The School has not chosen to retain the

petitioner, inter alia, on the ground of her irregular attendance. The same is seriously disputed by the Counsel for the petitioner.

These are not the matters that the writ court can get into. The subjective satisfaction of the School in this regard would have to be given preference and predominance.

Since no vested rights exist, this Court cannot compel the School to engage the petitioner. The retention of other teachers also engaged in ad hoc additional post cannot create any equity in favour of another temporary ad hoc post holder.

The instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)