

44.
29.8.2022
S.D.

W.P.A. 19389 of 2018

**Badal Chandra Das & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Mr. Avijit Majumder
Mr. Abhishek Bose

...For the petitioners.

Ms. Debjani Sengupta
Mr. Abhijit Chatterjee
Ms. Shahina Haque
Ms. Koyel Bag

....For the College.

Mr. Swapan Kumar Datta
Mr. Dipankar Das Gupta

...For the State.

Mr. Anil Kumar Gupta

..For the U.G.C.

It appears that the petitioners were appointed as Assistant Professors in Rural Management at the relevant college by a letter dated November 30, 2013.

As the students had not taken admission in the said programme for last two sessions, the Governing Body of the college resolved to close the programme. Subsequently, the college terminated the service of the petitioners on March 19, 2018, in connection with the said programme which was due

to expire on March 31, 2018. Challenging the said orders of termination dated March 19, 2018, the petitioners have filed this writ petition.

It has been submitted by Ms. Sengupta, learned advocate appearing for the college that the programme was for five years. The appointment letter issued in favour of the petitioners specifically provided that their tenure would be for five years. For the last three years of the programme, there was no student. The petitioners were paid from the college fund for the last two years for the programme. The salary was paid to the petitioners though there was no justification to continue with the programme without any student. After the tenure of the programme was over, the college terminated their services. Therefore, there is no justification to entertain the prayers of the writ petitioners.

Be that as it may, I am not inclined to go into the merits of the case in absence of any affidavits filed by the respondents. The petitioners are insisting on consideration of their representation made to the college authority which is appearing at page 127 of this writ petition.

Having regard to the innocuous prayer of the writ petitioners, I dispose of the writ petition giving a direction upon the college authority to consider the said

representation within a period of one month after the ensuing Puja Vacation. I make it clear that no opinion has been expressed by this Court with regard to the claim of the petitioners. The college authority will decide the same in accordance with law.

With the aforesaid observation, W.P.A. 19389 of 2018 is disposed of.

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

(Kausik Chanda, J.)