

08-06-2022
ct no. 13
Sl. 2
sp

WPA 20660 of 2012

Nasiruddin Sk

-Versus-

The State of West Bengal & Ors.

Mr. Sarthak Barman

....for the petitioner

**Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal**

.....for the State

The petitioner claims to have been engaged as a part-time teacher in Bengali at Gayeshpur High School from 1998 till 2007. The petitioner's service was terminated, and he has not been working thereafter. A certificate was issued to him by the concerned school as regards his service. The petitioner submits that his termination from service was illegal, and the school was required to follow the guidelines indicated by an order dated December 21, 2011, passed by a Co-ordinate bench of this Court in W.P. No. 20418 (W) of 2009.

The petitioner further claims that he was appointed notwithstanding the specific Regulations of the School Education Department, inter alia, contained in the communications dated April 23, 2010, June 9, 2010 and July 28, 2010. The petitioner has also produced across the bar,

attendance sheets and notices of holidays issued to him by the school.

This Court is unable to appreciate under what law the petitioner was appointed as part time/ad hoc Assistant Teacher in the concerned school, without the vacancy being notified to the D.I. of Schools. The school and the writ petitioner may have blocked a regular post of teacher.

The petitioner admittedly, has been paid remuneration for the period he has worked. Apart from the illegality of the petitioner's appointment- albeit against the sanctioned post- this Court notes that a part time/ad hoc employee cannot claim any right of any violation of procedure for termination. In fact, there is no separate procedure prescribed in law for termination of a part time/ad hoc employee.

In those circumstances, the writ petition shall stand dismissed.

Interim orders, if any, shall stand vacated.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

