

05.12.2022

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WPA 26550 of 2017

Ashima Chakraborty

Vs.

The State of West Bengal & Others

Mr. Ekramul Bari,

Mr. S. M. Ali,

Mr. Sk. Imtiaz Uddin

... for the petitioner.

Ms. Sima Adhikary

... for the State.

In this writ petition the petitioner has challenged the order dated June 13, 2017 issued by the Director of Technical Education, West Bengal whereby the service of the petitioner, who had been serving as a Group – ‘D’ staff at Kalyani Government Engineering College, was terminated with immediate effect.

From the affidavit-in-opposition filed on behalf of respondent nos.1 and 2 it appears that the petitioner was appointed on February 29, 2000 on temporary basis as Orderly-Peon allocated to the office of the Project Coordinator, Kalyani Government Engineering College for a period of one month and thereafter, her service was extended till December 31, 2005.

As the Project Coordinator’s cell ceased to exist where the petitioner was appointed, she was returned to the previous post of Group – ‘D’ staff of the college to render service. A request for regularisation of the

service of the petitioner as Group – ‘D’ was forwarded to Joint Secretary, Government of West Bengal, Higher Education Department by the Director of Technical Education by his letter dated October 16, 2008. Thereafter, the Assistant Secretary to the Higher Education Department, Technical Branch by a letter dated June 22, 2011 intimated that the initial appointment of the petitioner was illegal without approval from the Finance Department of the State and without following the regular recruitment mode. Therefore, the Government did not agree to regularise the service of the petitioner.

The aforesaid facts, as narrated in the affidavit-in-opposition, have not been denied by the petitioner.

There is no doubt that the petitioner had no right to be regularised since her initial appointment was not in conformity with the applicable recruitment rules. The fact, however, cannot be denied that the petitioner worked as a Group-D staff for a considerable period without her service being regularised.

In that view of the matter, the writ petition is disposed of with a direction upon the respondents to allow the petitioner to participate in the selection process for Group – ‘D’ post in the College condoning her age bar if any such recruitment process is initiated within two years from the date of this order.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Kausik Chanda, J.)