

04.8.2023
ap
180-184

WPA 3440 of 2022

Arun Mahato

Vs.

The State of West Bengal & Ors.

with

WPA 3445 of 2022

Krishanu Dey

Vs.

The State of West Bengal & Ors.

with

WPA 3447 of 2022

Barun Kumar Samanta

Vs.

The State of West Bengal & Ors.

With

WPA 3449 of 2022

Sanjay Sardar

Vs.

The State of West Bengal & Ors.

with

WPA 3450 of 2022

Indrani Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Arka Kumar Nag

Mr. Rahul Kumar Singh

... For the petitioners.

Mr. Sabyasachi Mukhopadhyay

Ms. Kaushikee Banerjee

... For respondent nos. 5-7.

Mr. Tapas Kr. Mandal

... For the State in WPA 3445 of 2022.

Let the affidavits-in-opposition filed by the College as well and the State be kept with the records.

The petitioners assert that they were employed in Nandalal Ghosh Basic Training College at North 24 Parganas, on contractual basis for various positions, including Librarian, Lady Attendant, Accountant, Supporting staff and Library Assistant.

They claim that their contractual services were subject to termination with one month prior notice. Despite the challenges posed by Covid-19 pandemic situation, they diligently attended the college and discharges their duties. However, without any prior notice, the college abruptly ceased salary payments and denied them access to the college premises.

The petitioners contend that their continuous service at the college entitled them to benefits as outlined in the Government Circular dated July 15, 2019.

Furthermore, the petitioners argue that the college never formally communicated any termination order to them, and their knowledge of the college's stance was only acquired through the affidavits submitted in connection with these writ petitions.

On behalf of the State, it is submitted that the petitioners were not appointed to any sanctioned posts, and their claim of continuous service is disputed. Consequently, the State contends that the petitioners are not eligible for any relief.

The college states that it did not receive any funds from the State for the payment of the petitioners' salaries. Their engagement was purely on a temporary basis, and their salaries were paid from the college's own funds. The college further asserts that the

petitioners did not maintain regular attendance, leading to the termination of their services.

Additionally, the college points out that it lost its recognition from the National Council for Teachers' Education in 2021, and currently, the college has no affiliation with the said authority.

It appears that the petitioners previously approached the Director of Public Instruction, West Bengal, on January 13, 2022, seeking the release of arrear salary and pay protection in accordance with the Government Orders dated February 08, 2019, and July 15, 2019. However, the Director of Public Instruction has not yet considered the petitioners' representation.

In the light of the foregoing facts, this writ petitions are disposed of with a directive to the Director of Public Instruction to consider the representation dated January 13, 2022 in accordance with law within a period of three months from the date of communication of this order.

The Director of Public Instruction shall afford the petitioners and the college an opportunity to present their case before reaching a decision. A reasoned order should be communicated to the petitioners within seven days following the decision.

Accordingly, **WPA 3440 of 2022, WPA 3445 of 2022, WPA 3447 of 2022, WPA 3449 of 2022 and WPA 3450 of 2022** are disposed of.

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

(Kausik Chanda, J.)