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**WPA 6719 of 2019**

Rati Kanta Das  
Vs.  
The State of West Bengal & Ors.

Mr. Ujjal Ray  
Mr. Arpa Chakraborty  
... For the petitioner.

Ms. Debjani Sengupta  
Ms. Shahina Haque  
Mr. Abhijit Chatterjee  
Ms. Koyel Bag  
... For Vidyasagar University.

Ms. Usha Maiti  
Ms. Anita Khatri  
Mr. Sakya Maity  
Ms. Piyali Shaw  
... For the College Authority.

The petitioner is a Laboratory Attendant of Raja Narendra Lal Khan Women's College at Paschim Medinipore. The petitioner was appointed on contractual basis for a period of six months. The said contract has been renewed from time to time.

Mr. Ujjal Roy, learned advocate appearing for the petitioner submits that the petitioner has been working in the said post for the last 26 years. Presently he receives a meager salary of Rs. 8,000/- per month by the College. Mr. Roy further submits that pursuant to an order passed by this Court in an earlier round of writ petition, the petitioner's case for equal pay with

regular employees of the College discharging similar duties, was considered and disposed of by the Director of Public Instruction. The operative part of the said order dated March 21, 2018, passed by the Director of Public Instruction is quoted below: -

“... In such circumstances, considering all the probabilities in this regard, it is of the view that the College authority shall bear all the liabilities of the petitioner following the principle of “equal pay for equal work” from their own fund other than the fund provided by the Govt. authority. In any circumstances, the Govt. authority shall not bear any cost of liabilities of the petitioner arising in the College, as the Govt. authority has no knowledge about such engagement.”

Though the petitioner has challenged the said order of the Director of Public Instruction dated March 21, 2018 in this writ petition, Mr. Ujjal Roy, learned advocate submits that the petitioner has no grievance if the College pays the equal salary to the petitioner from its own fund.

Ms. Debjani Sengupta, learned advocate representing the University submits that in terms 163 of the Vidyasagar University 1<sup>st</sup> Statutes, the College

should follow the recruitment rule framed by the State Government. The College, in this case, did not follow the said recruitment rule. In fact, when the regular recruitment drives were carried out by the College, the petitioner did not participate in the same.

I need not go into the controversies involved in the writ petition. The order impugned dated March 21, 2018 issued by the Director of Public Instruction makes it clear that the said authority did not discard the claim of the petitioner for equal pay for equal work. The Director of Public Instruction has observed that the College authority is liable to pay for the same from its own fund without burdening the State exchequer.

I do not see any reason to entertain this writ petition. When the petitioner submits that he has no grievance if the equal salary is paid from the College fund, I do not see any reason how the petitioner is aggrieved by the order dated March 21, 2018.

It has been submitted on behalf of the College that the College filed an application before the Director of Public Instruction on September 29, 2018 to revisit the said order dated March 21, 2018, but the Director of Public Instruction declined to recall the said order.

If the petitioner has any grievance against the College, the petitioner is at liberty to approach the

appropriate forum for implementation the order dated March 21, 2018.

If the College is aggrieved by the order dated March 21, 2018, the College is also at liberty to challenge the said order by filing appropriate application before the appropriate forum, in accordance with law.

With the above observation, **WPA 6719 of 2019** is disposed of.

There will be no order as to costs.

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

(Kausik Chanda, J.)