

73 31-01-2023
AKG
Ct. 238

WPA 5797 of 2020
With
IA No. CAN 1 of 2020 (Old No. 3801/2020)
With
IA No. CAN 2 of 2022 (Not in file)
Jayanta Kanri
Vs.
State of West Bengal & Ors.

Mr. Suvro P. Lahiri,
Mr. Rajesh Naskar

...for the Petitioner

Mr. Amitava Chaudhuri,
Mr. N. Roy

...for D.P.I.

Ms. Rajlakshmi Ghatak

...for the State

The college is not represented.

The petitioner is presently working as a cashier in day section of Bejoy Narayan Mahavidyalaya, Itachuna, Hooghly.

It is the grievance of the petitioner though he is entitled to be promoted to the post of Head Clerk, the college has not taken any step to fill up the post.

The petitioner prays for a direction upon the college to initiate and complete the selection procedure to fill up the post of Head Clerk.

A report was sought from the Director of Public Instruction, West Bengal. The report of the Director of Public Instruction suggests that the Higher Education Department of the Government of West Bengal on September 22, 2017 accorded permission to fill up some existing non-teaching posts in the said college including the post of Head Clerk by promotion along with three newly created non-teaching posts.

The affidavit of the college affirmed by the Principal on July 24, 2020 suggests that a five-member selection committee was constituted to consider the issue and a legal opinion was also sought.

The affidavit of the college does not provide any specific reason as to why the college has not taken any further steps to fill up the said posts despite permission from the Higher Education Department.

The college ought to have taken steps to fill up the posts within a reasonable period of time to subserve its academic interest.

In view of the above, this writ petition is disposed of with a direction upon the college to initiate the process to fill up the posts including the post of Head Clerk in terms of the Government Order being No. 1088-Edn (CS)/4E-15/2013 dated 22.09.2017 within a period of one month from the date of communication of this order.

Needless to mention that the selection to the posts in question shall be made in accordance with law. No opinion has been expressed by this Court as to the eligibility of the petitioner to be promoted to the post in question.

With the aforesaid observation WPA 5797 of 2020 along with CAN 1/2020 & CAN 2/2022 are disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)

