

WPA 8024 of 2023
Kaushik Adhikary
Vs.
The State of West Bengal & Ors.

Ms. Tanaya Banerjee,
Ms. Divya Kar

...for the Petitioner

Mr. Amitava Chaudhuri,
Mr. N. Roy

...for University of Gour Banga and North Bengal

The father of the petitioner was a Lab Attendant in Physics Department at Balurghat College, Dakshin Dinajpur. The said college was earlier affiliated with North Bengal University. Subsequently, by a notification dated May 26, 2008, the said college was brought under the purview of Gour Banga University. The relevant part of the said notification is quoted below:-

“In exercise of the power conferred by sub-section (3) of Section 5 of the Gour Banga University Act, 2007 (West Bengal Act XXVI of 2007), the Governor is pleased hereby to appoint the 26th day of May, 2008 with effect from which such colleges existing within the limits of the districts of Uttar Dinajpur, Dakshin Dinajpur and Malda in the state of West Bengal as specified in the Schedule below shall be deemed to be affiliated to the Gour Banga University and continue to be so affiliated until the university otherwise directs, and shall cease to be affiliated to the University of North Bengal or any other university in which they may have been affiliated before the said date except any college declared as University college of North Bengal University before the appointed date, subject to the

conditions that the powers and jurisdiction exercised by the West Bengal University of Technology and the West Bengal University of Health Sciences shall not be affected by this Notification.”

The father of the petitioner died on September 25, 2020 while serving in the same post at Balurghat College.

The petitioner seeks compassionate appointment on the death of his father.

Mr. Amitava Chaudhuri, learned advocate representing the Gour Banga University as well as North Bengal University submits that under the Statute and Gour Banga University Act, 2007, there is no provision for compassionate appointment and therefore, the prayer of the petitioner should not be entertained.

The Gour Banga University was created under the statute namely, Gour Banga University Act, 2007.

Significantly, North Bengal University framed the “Statutes relating to the appointment and terms and conditions of the service of Librarians and non-teaching staff of colleges affiliated to the North Bengal University other than Government Colleges including Govt. colleges in other States affiliated to the university.”

Statute 5 thereof provides for compassionate appointment in a college affiliated with North Bengal University.

It is the admitted stand that when the colleges

under North Bengal University were brought under the purview of Gour Banga University, the employees were never given the option to continue under the service conditions of North Bengal University Statute.

Unfortunately, even after about 15 years from the date of creation of Gour Banga University, the university authorities, till date, did not bother to frame any statute relating to the appointment and promotion of non-teaching staff of the college affiliated to it.

Since there is no policy in place for appointment on compassionate ground under the statutes of Gour Banga University, it cannot be said that the petitioner has a right to be appointed on compassionate ground. The deceased employee was under the employment of Gour Banga University for about twelve years.

It is desirable that Gour Banga University shall frame a statute relating to appointment, promotion and terms and conditions of service of non-teaching staff of the colleges affiliated with it within a period of six months from the date of communication of this order.

Accordingly, WPA **8024 of 2023** is 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.)