

02.05.2023

Item No.2

Ct. No.1

PG/KS

W.P.A.(P) 189 of 2023

**Mahadeb Maity & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Rabilal Moitra
Dr. R. P. Motilal
Mr. Pabitra Biswas

.....for the Petitioners

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel
Mr. Tarak Karan

.....for the State

1. By this writ petition styled as a public interest litigation, the petitioners seek for a direction upon the respondents to recruit Teachers and Instructors at Vocational Training Centres of West Bengal by taking into consideration the direction issued by this Court in W.P. No.1643 (W) of 2016. The said order is as follows:-

“The petitioners are before us complaining of inaction on the part of the respondent authorities in not filling up the posts of contractual or part time instructors in Vocational Training Education which are vacant since 2011.

If such is the case, if those vocational centres are still in existence, we direct the respondent authorities to look into the matter and take necessary and suitable action in filling up of the vacant posts so that the Vocational Training Centres are

effectually rendering their training to the needy person. The exercise would be done within four months from today.

With this observation, the writ petition is disposed of.”

2. As could be seen from the above order, no positive direction was issued to the authorities but they were directed to look into the matter and take necessary suitable action in filling up of the vacant posts, so that the Vocational Training Centres are effectually rendering their training to the needy person. A time frame was also fixed for the authorities to look into the matter.
3. The grievance of the writ petitioners is that till date nothing has happened and the vacancies continued to exist. So far as the aspect as to whether the Vocational Training Centres have to be established and whether contractual appointments or part-time instructors have to be appointed are all policy matters, which have to be decided by the Government and no writ of mandamus can be issued to the Government to enact a policy in a particular manner.
4. However, considering the need for Vocational Training Centres, all that we can do is to direct the authorities to take an informed decision in the matter. The petitioners have submitted various representations to the authorities and those representations are stated to be pending.

5. In the light of the above, the writ petition stands disposed of by directing the appropriate authority of the State of West Bengal such as the authority in charge of Vocational Training Centres to consider the grievances expressed by the writ petitioners and take an informed decision as to whether the recruitment to the posts of Teachers and Instructors at the Vocational Training Centres of West Bengal is required to be filled up or to be manned by contractual or part-time teachers etc. Such decision be taken by the appropriate authority of the State of West Bengal such as the authority in charge of Vocational Training Centres of the State of West Bengal within a period of three months from the date of receipt of serer copy of this order.
6. With the above directions, the writ petition stands disposed of.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)