

02.05.2023
Item No.14
gd/ssd

WPA(P)/194/2023
KASHINATH PAUL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Kallol Guha Thakurata,
Md. Wasim Rahaman
..for the Petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan
..for the State.

Mr. Shiba Prasad Mukherjee,
Mr. Debanjan Mukherjee,
Mr. Aniruddha Ganguly
..for the Respondent No.10.

1. By this public interest litigation the petitioner would contend that the 10th respondent cannot continue as principal of the 9th respondent/institution as he has already crossed the age of 65 years. In this regard, the petitioner places reliance on certain notifications issued by the Government of West Bengal dated 4th January, 2012, 19th September, 2014 and 25th November, 2016 stating that no teacher or principal of any institution can be engaged beyond the age of 65 years. With this submission the petitioner would state that the engagement of the 10th respondent by order dated 8th June, 2022 with effect from 1st June, 2022 is illegal and irregular.

2. On a reading of the order dated 8th June, 2022 issued by the Joint Secretary, Technical Education, Training and Skill Development Department, Government of West Bengal the engagement of the 10th respondent was purely on a contractual basis for a period of one year with effect from 01.06.2022 or till the post is filled up by regular full time principal. It is not clear as to whether the recruitment process has commenced. In any event, the services of the 10th respondent shall not be extended beyond 31.05.2023 and in case the recruitment process for regular full time principal is not completed by then, ad hoc arrangement may be made by the department to appoint a principal in terms of the notifications issued by the All India Council for Technical Education.

3. Thus, we make it clear that the services of the 10th respondent shall not be extended beyond 31.05.2023.

4. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)