

03.08.2023
Item No. 4
Ct. No. 238
AKG

WPA 9409 of 2022
Sukumar Das
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Suman Banerjee,
...for the Petitioner

Let the affidavit of service filed by the petitioner be kept with the records.

Despite service, the respondents are not represented.

Having regard to the facts presented in the case, it is not necessary to adjourn the hearing. It is the grievance of the petitioner that he was appointed as an Electrician-cum-Caretaker (Group-C) at Kidderpore College, Kokata. He was given promotion to the post of Cashier by a letter dated August 12, 2017, issued by the Principal of the said College.

The college thereafter sought pay fixation of the petitioner from the Director of Public Instructions for the said post by a letter dated November 13, 2017.

The Director of Public Instructions, West Bengal, however, declined to accord his approval on the ground that the post of Electrician-cum-Caretaker is not a feeder post for the post of Cashier. The order

of the Director of Public Instructions, West Bengal was challenged by the petitioner by filing a writ petition before this Court. A Co-ordinate Bench of this Court by an order dated November 22, 2019 set aside the said order of the Director of Public Instructions dated June 6, 2019 and directed him to take a fresh decision in the light of the observations made in the judgment and upon taking into consideration all documents as annexed to the writ petition.

In compliance with the said order dated November 22, 2019, a meeting was held at the office of the Director of Public Instructions on December 17, 2019.

It appears from the minutes of the meeting that the Director of Public Instructions felt that a clarification from the Department of Higher Education was required to resolve the issue.

Learned advocate appearing for the petitioner submits that after the said meeting held on December 17, 2019, nothing has been communicated to the petitioner thus far.

Considering the aforesaid facts, I dispose of this writ petition with a direction upon the Director of Public Instructions to seek a clarification from the Higher Education Department of the State within a period of seven days from the date of communication

of this order, if such clarification has not already been sought.

The Principal Secretary, Higher Education Department is expected to communicate his clarification within a period of two weeks from the date of receipt of the request from Director of Public Instructions, West Bengal. The Director of Public Instructions, thereafter, shall decide the matter within a period of one month upon giving an opportunity of hearing of the petitioner.

With the aforesaid directions, **WPA 9409 of 2022** 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.)