

14.07.2023
Item No. 176
Ct. No. 238
AKG

WPA 8727 of 2019
Partha Sarathi Chattopadhyay
Versus
The State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay,
Ms. Basabi Raichowdhury,
Mr. Mrinal Kanti Sardar

...for the Petitioner

Mr. D. N. Maiti,
Mr. S. Sarkar

...for the Respondent Nos. 3 to 6.

The petitioner was appointed as a Personal Assistant at the West Bengal University of Health Science, Kolkata in the year 2004 on contractual basis. At that relevant point of time, he was aged about 53 years. Significantly, the executive council of the university in its meeting dated October 27, 2008 decided to regularise the service of the petitioner along with some other employees.

It appears that following the said resolution of the executive committee, though some other employees were regularized in the year 2009, the petitioner's service, unfortunately, was not regularized.

It has been submitted by Mr. Mukhopadhyay, learned advocate appearing for the petitioner that though the petitioner's service was not regularized, the petitioner continued his service on temporary

basis for nine more years till he attained the age of sixty eight years.

This writ petition has been filed in the year 2019, when the petitioner was aged about sixty nine years claiming regularisation of the service.

Now, the petitioner is aged about 73 years. At this juncture, no order for regularisation of the service can be passed.

Mr. Mukhopadhyay, however, submitted that the petitioner should be given at least the benefit of regularisation of his service upto 60 years of age.

The other employees were regularised in the year 2009 following the resolution of the university adopted on October 27, 2008. Though the service of the petitioner was not regularised he accepted his temporary status of his employment for nine additinal years. He has approached this Court only after termination of his service. In that view of the matter, no relief can be granted to the petitioner.

Accordingly, **WPA 8727 of 2019** is dismissed.

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.)