

03-07-2023

AKG

Ct. 238

WPA 10058 of 2023
Madhurima Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury,
Mr. Avijit Kar

...for the Petitioner

Mr. Tapas Kr. Mandal

...for the State

The petitioner has challenged a reasoned order dated January 9, 2023 issued by the Director of School Education of West Bengal. The said reasoned order was passed in compliance with a direction passed by a Co-ordinate Bench of this Court on September 9, 2022. The Director of Public Instructions in the order impugned dealt with the specific issue as to whether the petitioner should be given the benefit of Higher Education Department Memo No. 2081-Edn (CS)/10M-83/2019 dated December 23, 2019.

After hearing the college as well as the writ petitioner, the Director of Public Instructions found that the petitioner was appointed as a “Teaching cum Learning Assistant” in the Department of English at the relevant college for the academic year 2019-2020 and she is used to receive Rs. 180/- per class as her remuneration.

In compliance with the direction of the Higher

Education Department, the officer in charge of the relevant college uploaded the details of eleven government approved part time teachers on the designated portal on September 24, 2019 with the declaration that besides those eleven teachers, there was no other Guest Teacher/Government approved part time teachers/contractual whole time teachers engaged in the college prior to July 13, 2019. The name of the petitioner was not there. It was further finding of the Director of Public Instructions that the petitioner was never regarded as a guest teacher of the college and never paid out of the college fund. For that reason, her particulars were not uploaded on the designated portal of the Higher Education Department by the college.

The Director of Public Instructions, therefore, found that the petitioner was not entitled to get the benefit of the circular dated December 23, 2019.

Learned advocate appearing for the petitioner has drawn attention of this Court to a certificate issued by the officer in charge of the college appearing at page 20 of the writ petition, to suggest that the officer in charge of the college has expressed his desire that the remuneration of the petitioner should be increased in future, until she becomes a State aided college teacher.

In my view, the said certificate appearing at page 20 of the writ petition does not confer any legal right to the petitioner to come within the purview of the circular

dated December 23, 2019.

Accordingly, **WPA 10058 of 2023** 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.)