

Court No. 238

WPA 10729 of 2022

06.12.2023

(AD 12)

(S. Banerjee)

Pranabendu Dutta Roy & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Himadri Barua

Mr. Biswajit Das

... for the petitioners

Mr. Gourav Das

... for the State

Mr. Amitava Chaudhuri

Mr. N. Roy

... for the University

Let the report filed by the University be kept with the record.

The petitioners are serving as Office Assistants at Kalyani University as casual employees. On an earlier occasion, petitioner no. 1 approached this court seeking regularisation of his service. This court directed the University to consider the case of the petitioner on sympathetic ground. After considering the case of petitioner no. 1, the University issued a letter of appointment dated 14th September, 2015 in his favour as a permanent employee. Unfortunately, the petitioner no. 1 did not accept the letter of appointment and as such he was not absorbed permanently.

Thereafter again petitioner no. 1 approached this court with the same prayer of regularization of his service. This time, again a coordinate bench of this Court by an order dated 25th January, 2022, passed in WPA 20559 of 2021, directed the University to consider the case of the petitioner.

Following the said order of this court, the University by an order dated May 19, 2022 observed as follows:

“On 28th April, 2017 the petitioner joined the University on a purely temporary basis. Next, he filed the W.P.A. before the Hon’ble High Court, Calcutta with a request to appoint the petitioner permanently in the post of ‘Office Assistant’ with other petitioners. Also, the petitioner claimed that he has done amicable settlement with the University, but no records have been found in this regard. When the permanent vacancy arises again, the University will issue the Employment Notification. On the said occasion the petitioner herein is open chance to apply for permanent post, if applicable.

The matter is thus disposed of with the above observation.”

I do not see any reason to interfere with the said order. The petitioners, as a matter of right, cannot claim regularization of their services being casual employees. However, I clarify that if the University initiates the

selection process to fill up a permanent post, the petitioners shall be allowed to participate in the selection process after condoning their age bar.

With the aforesaid observation, WPA 10729 of 2022 is disposed of.

(Kausik Chanda, J.)