

19.06.2023
Item No.18
gd/ssd

WPA(P)/267/2023
AVIJIT DEY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Suvasis Saha
..for the Petitioner.

Ms. Chaitali Bhattacharya
..for the State.

Mr. S.P. Mukherjee,
Mr. Shuvajit Bose
..for the Respondent No.7.

1. By this public interest litigation the petitioner seeks to challenge here advertisement issued by a government sponsored polytechnic college dated 29.12.2022 in so far as relates to two posts, namely, Lecturer (Chemistry) and Lecturer (Computer Science). According to the petitioner, both the posts are manned by two individuals and there is no vacancy and the impugned notification is illegal.

2. It is pointed out by the learned advocate appearing for the respondent State that the petitioner is not a public interest litigant, but it is a private interest litigation in the sense that he seeks to support some of his colleagues since the petitioner himself is working on part-time basis as the Lab Assistant (Physics).

3. We have gone through the proceedings of the Department of Technical Education dated 19th February, 2020 from which we find Sri Avijit Dey, the petitioner herein is working as Lab Assistant (Physics) on part-time basis. Thus, there is a tinge of private interest involved in the writ petition which would have been enough for us dismissed the writ petition. Nevertheless, we have heard the learned advocates for the parties.

4. We propose to consider as to the correctness of the claim made by the writ petitioner. The earlier recruitment which was made for two of the sanctioned posts, namely, Lecturer in Chemistry and Lecturer in Computer Science and Technology along with other posts was purely on part-time basis on a consolidated remuneration. The said appointment on part-time basis was with the specific condition that the candidate cannot claim any right to regular appointment/absorption in regular post of government service and their engagement shall be terminated on unsatisfactory performance and/or involvement in any unlawful activity with one month notice upon the employer.

5. The learned advocate for the respondent would submit that the writ petitioner is a chronic absentee.

6. However, we need not go into the exact issue because the impugned notification has called for application for filling up the post on purely contractual basis or till filling up the post on full-time regular basis.

7. Thus, we find that the respondents have not committed any illegality in issuing the impugned notice. Therefore, there are no grounds made out by the petitioner to interfere with the impugned notification.

8. Accordingly, the writ petition fails and dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)