

31.7.2023

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WPA 13013 of 2023

Bappa Das
Vs.
State of West Bengal & Ors.

Mr. Rudranil De
... For the petitioner.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Aishwarya Datta
Ms. Rajashree Tah
Ms. Trisha Rakshit
Mr. Pranay Basak
... For respondent nos. 4-5.

Mr. Supriyo Chottopadhyay, AGP
Mr. Gourav Das
... For the State.

Let the affidavit-in-reply filed by the petitioner be kept with the records.

The petitioner prays for the benefits of Memo No. 2081-Edn (CS)/10M-83/2019 dated December 23, 2019 as a Guest Lecturer of Jamini Majzumder Memorial College at Dakshin Dinajpur.

The petitioner submits that though he served as a Guest Lecturer in the college till the end of August 2019, the college did not send his name before the Director of Public Instruction, West Bengal for extending the benefit of the aforesaid Government Order dated December 23, 2019.

The college has filed an affidavit in this matter which suggests that in the year 2017 the petitioner was

appointed as a Guest Lecturer for the month of December 2017. The petitioner took only three classes for which he was paid Rs. 600/- as his remuneration for those three lectures. The petitioner's service was not required any more and the petitioner also did not attend the college for the period between January 2018 to December 2022. The college further suggests that it published a notice for recruitment of a Guest Lecturer following the applicable recruitment rules. The petitioner also appeared in the said interview along with another candidate. He was not successful in the selection process.

The college submits that in view of the aforesaid factual backdrop, the petitioner was not at all entitled to be considered in terms of the aforesaid Government Order dated 23rd December, 2019.

The learned advocate appearing for the petitioner further submits that even though the petitioner was not successful in the interview which was held in the year 2018, the college continued to engage him as a Guest Lecturer in the college till August 2019. Therefore, the college ought to have forwarded the name of the petitioner along with the other teaching staff for extending the benefit of aforesaid Government Order dated 23rd December, 2019.

The petitioner has not been able to substantiate his claim before this Court that he served as a Guest

Lecturer in the college till 2019. Neither any attendance sheet is produced nor any document related to his remuneration for the said period has been disclosed in support of such claim.

I am not inclined to enter into the factual dispute as to whether the petitioner indeed served at the college till August 2019 as a Guest Lecturer. This factual dispute, in fact, cannot be gone into by a writ Court.

The petitioner, however, will be at liberty to approach before the appropriate forum in accordance with law.

Accordingly, **WPA 13013 of 2023** is dismissed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)