

01.8.2023

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WPA 15076 of 2017

Nilotpal Sengupta
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Nupur Chaudhuri
... For the petitioner.

Mr. Mukti Kumar Ghosh
Mr. Souvik Maji
Mr. Kaustav Seal
... For respondent no. 10.

Mr. Gautam Chakraborty
Mr. K.K. Baral
... For the College.

It is the grievance of the petitioner that he has been working as Office Assistant of Deshbandhu College for Girls' at Kolkata since 2012 on temporary basis. The college, however, in total denial of his claim initiated a proceeding for filling up the post of a Lower Division Clerk under the General Category. The petitioner suggests that in obtaining permission from Director of Public Instruction, West Bengal to fill up the post in question, the college has suppressed factum of service of the petitioner at the college. The petitioner prays for regularisation of his service.

On behalf of the college it has been submitted that the petitioner was allowed to participate in the selection process for the post of Lower Division Clerk, but he was not a successful candidate. It is respondent no. 10 who was successful in the selection process.

Accordingly, the college has issued a letter of appointment to respondent no. 10 in the year 2017.

Learned advocate appearing for respondent no. 10 presents the similar facts before this Court.

While this Court sympathises the petitioner, it is to be noticed that mere working as an Office Assistant on temporary basis does not give any vested right to the petitioner to be appointed as a regular employee.

In the present case, the petitioner was allowed to participate in the selection process for the post of Lower Division Clerk. No further obligation can be imposed on the college.

Considering the fact that the petitioner is still continuing his service at the college, this writ petition is disposed of with a direction upon the college to allow the petitioner to participate in the selection process as and when the college initiates a proceeding to fill up a Group 'C' post in the said college, condoning the age bar of the petitioner.

With the aforesaid observations, **WPA 15076 of 2017** is disposed of.

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.)

