

01.12.2023
Item No.31
Ct. No. 238
AKG

WPA 18265 of 2023
Gopal Rana
Vs.
The State of West Bengal & Ors.

Mr. Soumen Kr. Dutta

...for the State

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya

...for College

It is the grievance of the petitioner that though he was appointed on December 13, 2008 as a Laboratory Attendant in Geography Department at Belda College, Paschim Medinipur, he was assigned the duties of a “Guard” of the college by a notification dated July 15, 2023.

To justify the impugned act, the college has affirmed an affidavit. The relevant part of the affidavit is reproduced below:-

“With reference to paragraph 2h and 2i of the writ petition I say that Group-D of the College are usually deployed at the main gate as per requirement, other Lab Attendant also allotted to different jobs in the college and there is no question of permanent assignment against a particular job to any Group-D Staff. In this particular case, class work were suspended in the Geography Department for time being and admission procedure was going on in the college. There are two Lab Attendant was assigned to maintain building keys and the writ petitioner was deployed at the main gate as a guard. Both the

posts of guard and Lab Attendant are Group-D posts and hence there was no wrong committed by the college authority for deploying as Guard to the writ petitioner. I say that there is no casual staff in the college for working as a guard for 24 hours and 7 days. There is only one permanent guard in the college who cannot be deployed for 24 hour for 7 days in week or throughout the day and night to do the duty of guard. Hence, the writ petitioner was directed to join as guard in the main gate. I deny that 8 (eight) casual workers are working as guard in the college as alleged or at all. The deployment of private security is a policy decision of the college and cannot be commanded as per the dictation of writ petitioner and writ petitioner cannot turn around and refuse to work as security guard in the above manner and fashion which amounts to a violent conduct on the part of the writ petitioner. The writ petitioner was appointed as Lab Attendant in Geography Department and due to suspension of the class in geography department the writ petitioner was posted in the other Group-D post as guard at that material point of time.”

The stand of the college is wholly unacceptable.

The petitioner’s appointment letter indicates that he has been appointed as a Laboratory Attendant (Geography).

Needless to mention that the duties of a Laboratory Attendant and those of a guard are entirely different, even though both the posts belong to Group-D category.

The appointment letter of the petitioner does not indicate that he requires to discharge the duty of a guard as well. The college cannot insist an employee to discharge the duties for which he was not appointed.

In that view of the matter, the order impugned dated July 15, 2023 appearing at page 23 is set aside.

The college is restrained from assigning any duty to the petitioner beyond what is specified in his appointment letter.

WPA 18265 of 2023 is allowed.

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.)