

08 18.7.2023

Ct-08

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FMA 224 of 2022

with

I.A No. CAN 1 of 2021

Radhu Roy

Vs.

State of West Bengal & Ors.

Syed Shamsul Arefin

Ms. Nadira Arefin

... For the Appellant

Mr. Monish Sen

Ms. Oisani Mukherjee

... For the Respondent no. 3

Mr. K.M. Hossain

Mr. Tapas Kumar Mandal

... For the State

We have heard the learned counsel for the parties.

Mr. Arefin, learned counsel for the appellant, has referred to the Government memorandum dated 15th July, 2019, which is applicable to the petitioner read with Memoranda nos. 2966-F(P) dated 23rd April, 2010 and 11794-F(P) dated 22nd December, 2010.

We have read three memoranda carefully. The first memoranda does not apply to the Government aided colleges. The last memoranda dated 15th July, 2019 relates to the class of employees working in entities which are in the process of restructuring or winding up. It does not apply to the school. The purpose of the said

memorandum is completely different.

We are in agreement with the view expressed by the learned Single Judge that the Memoranda nos. 2966-F(P) dated 23rd April, 2010 and 11794-F(P) dated 22nd December, 2010 both issued by the Finance Department, Audit Branch, Government of West Bengal, will not be applicable to the staff of Government aided colleges. Moreover, the petitioner is working in a non-sanctioned post of the college.

Under such circumstances, we do not find any reason to interfere with the order passed by the learned single judge.

On such consideration, the appeal being FMA 224 of 2022 stands dismissed.

In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2021. The said application is accordingly dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)

