

01.12.2023
Item No.34
Ct. No. 238
AKG

WPA 18747 of 2023
Ranjit Paramanik
Vs.
State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
...for the Petitioner
Mr. Sougata Mitra,
Mr. Subhadeep Maitra
...for S.K.B.U.

The petitioner seeks regularisation of his service as Junior Assistant at Sidho-Kanho-Birsha University. It is the submission of the learned advocate appearing for the petitioner that the petitioner was appointed through a regular selection process and his appointment was approved by the State. He has served more than thirteen years in the post and therefore, his service should be regularised.

It appears that the post against which the petitioner was appointed was a contractual post with a tenure of three years. The university persuaded the State to regularise the service of the petitioner, but the State declined to regularise his service citing memo no. 8305 dated September 26, 2005 issued by the Finance Department.

It is the common stand of the university and the State that since the petitioner was not appointed against a permanent post, his service cannot be

regularised treating him as a permanent employee of the university.

Learned advocate appearing for the petitioner, however, contends that the petitioner has right to be regularized on the basis of the aforesaid circular dated September 26, 2005. The circular applies where a person is appointed against a permanent vacancy on a contractual basis. Here, the petitioner was appointed against a contractual post, not against a permanent post.

Despite being sympathetic of the petitioner, I am unable to grant any relief to him in the facts as narrated above.

Needless to mention that if any permanent post of Junior Assistant in the college is sanctioned by the State, the petitioner will be at liberty to participate in the selection process and his age bar will be condoned.

WPA 18747 of 2023 is accordingly disposed of.

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.)