

24.03.2023
Item No.36
Ct. No.238
S.A.

WPA 27874 of 2022

Md. Aammar Zaki

-vs-

The State of West Bengal & Ors.

Mr. Imtiaz Ahmed

Ms. Ghazala Firdaus

Mr. Md. Zeeshanuddin

Ms. Amrin Khatoon

...for the petitioner

Mr. Subhrangsu panda

Mr. Mithu Singha Mahapatra

...for the respondent No.3

Mr. Swapan Kumar Datta

Mr. Pradyot Kumar Das

...for the State

In this writ petition, the petitioner has prayed, inter alia, for a direction to “forthwith initiate the restructured appointment of the petitioner” on the basis of memorandum No.2081-Edn (CS)/10M-83/2019, issued by the Higher Education Department, West Bengal.

The petitioner seeks to acquire the status of a “Guest Lecturer” in terms of the Government Order dated December 23, 2019, issued by the Higher Education Department, West Bengal.

The appointment letter of the petitioner provides as follows :

“You are requested to act as Guest Lecturer of Moot Court Trainer in Law of Surendranath Law College. You are entitled for an honorarium of Rs.350/-

(Three Hundred Fifty only) per class.

Such arrangements will continue for six months from the date of appointment or further orders, whichever is earlier.”

It is submitted by the learned advocate appearing for the petitioner that the petitioner had been appointed as a Guest Lecturer by the Governing Body of the relevant college, and he has been serving there for the last four years. The College Authority attempted to upload the name of the petitioner for being considered by the State to confer the status of a Guest Lecturer, but this could not be done due to some technicalities. Ultimately, there have been given the status of a guest lecturer in terms of the aforesaid Government order dated December 23, 2019, but the case of the petitioner has not been done arbitrarily.

Mr. Swapan Kumar Datta, Sr. Adv. Appearing on behalf of the State submits that in terms of the UGC notification dated January 20, 2019, a Guest Lecturer can be normally appointed only against a sanctioned post and the qualification of a Guest Lecturer should be the same as those prescribed for the regular Assistant Professors of the Universities/Colleges in UGC regulations. The Guest Lecturers are also required to be appointed following the regular selection procedure applicable to the regular Assistant Professors.

In the present case, the petitioner does not possess the requisite qualification as he does not have a Master Degree with 55% marks. The petitioner was not appointed as per the guidelines issued by the University Grant Commission.

I find substance in the stand of the State. A letter dated December 19, 2022 written by the Vice Principal of the relevant college addressed to the Director of Public Instruction, West Bengal suggests that the petitioner's name could not be uploaded on the web portal since he had no Master Degree in Law at the relevant point of time.

The University Grant Commission circular dated 20th January, 2019 read with the circular dated December 23, 2019, issued by the Higher Education Department, Government of West Bengal makes it clear that unless a candidate has the requisite qualification of Assistant Professor and is recruited through a regular recruitment procedure, he cannot be recognised as a Guest Lecturer.

In the present case admittedly the petitioner lacks the requisite qualifications. Therefore, there was no illegality on the part of the college in not uploading the name of the petitioner on the web portal for giving benefit of the State Government circular dated December 23, 2019.

Accordingly, I do not find any merit in this writ petition.

It is needless to mention that the Governing Body of the college will be at liberty to utilise the service of the petitioner if so required, and pay an honorarium for the services rendered by him from its own resources.

With these observations, WPA 27874 of 2022 is disposed of.

(Kausik Chanda, J.)