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Ct. 238
24.04.2023

W.P.A. 24093 of 2010
I.A. No : CAN 2 of 2022

Soma Dutta Nandy
Vs.
The State of West Bengal & Ors.

Mr. Pratip Mukherjee,
Mr. Partha Pratim Mukherjee ... For the petitioner.

Re : I.A. No : CAN 2 of 2022

This is an application for restoration.

Having regard to the submissions made in Paragraph 8 of the restoration application, I am of the view that the petitioner has sufficiently explained the reason for her non-appearance before the Court on 16th September, 2021.

Accordingly, I.A. No : CAN 2 of 2022 is allowed.

W.P.A. 24093 of 2010 is restored to its original file and number.

Re : W.P.A. 24093 of 2010

The respondents are not represented.

It is the grievance of the petitioner that she was appointed as a full time lecturer in Music on contractual basis at Netazi Satavarshiki Mahavidyalaya at Ashoknagar, District – 24 Parganas (North) from August 2005 to January 2006 with a monthly remuneration of Rs. 750/- per month from the college fund.

It appears that subsequently, by a letter dated October 01, 2008, the petitioner on the recommendation of the college, was appointed as a part time lecturer in Music for a period of six months from July 01, 2008 to December 31, 2008. The tenure of the petitioner was renewed from time to time as a part time lecturer and lastly it was extended upto 31st March, 2010. Learned Advocate appearing for the petitioner submits that the college authority thereafter did not renew the appointment of the petitioner on the basis of some flimsy allegations. No show cause notice was ever issued against the petitioner. she was also not given any opportunity of hearing.

It has been submitted by the learned advocate appearing for the petitioner that the petitioner ought to have been given the benefits of Government Circular vide Memo No. 751 – Edn (CS)-5P-46/99 dated 21st September, 2010 issued by the Department of Higher Education, Government of West Bengal.

By referring to Clause 3 of the said notification it has been submitted by the learned advocate for the petitioner that since the service of the petitioner had been discontinued by the college between 1st January, 2008 to September 21, 2010 the petitioner should have been given benefits the said circular.

Since the respondents are not represented, the factual aspects involved in the case cannot be ascertained. It is a long pending matter.

In view of the above facts, I dispose of the writ petition with a direction upon the Director of Public Instruction, West Bengal to treat this writ petition as a representation of the writ petitioner and decide the issue whether the petitioner is entitled to be reinstated in her service in the light of the aforesaid Government Circular. Let such exercise be completed within six weeks from date. The Director of Public Instruction shall hear the petitioner and the college before deciding the issue. A reasoned order must be communicated to the petitioner within one week thereafter.

Accordingly, W.P.A. 24093 of 2010 is disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Kausik Chanda, J.)