

11.4.2023

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WPA 9801 of 2020

Dr. Subhadeep Paul
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Intiaj uddin
... For the petitioner.

Mr. Swapan Kr. Datta, AGP,
Mr. Tapas Kr. Mandal
... For the State.

The petitioner claims to have been employed as an Assistant Professor in the department of English at Bankura University. Prior to this he served at Maulana Azad College as a Lecturer in English from March 17, 2009 to May 27, 2015.

The petitioner has asserted his entitlement to the benefit of his past service rendered at Maulana Azad College along with the consequential pay fixation.

It appears that the Executive Council of Bankura University on 23rd June, 2018, considered the case of the petitioner for counting his past service. The Council advised the petitioner to immediately contact the Director of Public Instruction, Government of West Bengal for obtaining “release order from his past service.”

Mr. Bari, learned advocate appearing for the petitioner submits that the petitioner is entitled to the benefit of his past service in view of a Government Circular dated August 26, 2009 appearing in Memo No. 951(21) – Edn (U)/1U-87/16 and also a subsequent Circular dated September 24, 2020, issued by the Department of Higher Education, Government of West Bengal.

He further submits that the petitioner for being appointed as an Assistant Professor at Bankura University, made his application through proper channel before the Director of Public Instruction, Government of West Bengal.

Despite direction of this Court on December 19, 2022, the State has not yet filed any affidavit-in-opposition till date.

However, I find that there is no justification to keep this writ petition pending.

This writ petition is disposed of by giving a liberty upon the petitioner to make a comprehensive representation before the Director of Public Instruction, Government of West Bengal with a prayer for counting his past service rendered at Maulana Azad College within two weeks from date. If such representation is made before the Director of Public Instruction, Government of West Bengal, the same shall be

considered within two months from the date of communication of the order. The Director of Public Instruction, Government of West Bengal shall hear the petitioner and all other concerned. The reasoned order should be communicated to the petitioner within two weeks thereafter.

With the aforesaid directions, **WPA 9801 of 2020** is disposed of.

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

(Kausik Chanda, J.)