

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble **Justice Harish Tandon**

And

The Hon'ble **Justice Prasenjit Biswas**

**FMA 1269 of 2024
With
CAN 1 of 2020 (OLD No.: CAN 2913 of 2020)**

Dibakar Kumar

-Versus-

State of West Bengal & Ors.

For the Appellant : **Mr. Kashiwar Ghosal, Advocate**

For the State : **Mr. Swapan Kr. Datta, Ld. AGP
Mr. Tapas Kr. Dey, Advocate**

Hearing Concluded on : **11.11.2024**

Delivered on : **03.12.2024**

Prasenjit Biswas, J:-

1. The order passed by the learned Single Bench of this Court dated 17.12.2019 in connection with W.P. No. 20014 (W) of 2019 is assailed in this appeal.

2. By passing the impugned order learned Single Bench has declined to grant relief to the petitioner as prayed for in the writ petition.

3. Notice was issued by the Director of Public Instructions, Government of West Bengal dated 3rd September, 2019 in which the Principals/Teacher-in-Charges were asked to submit the details of the Guest Teachers/Government approved PTTs/Govt. approved CWTTs engaged prior to 13th July, 2019 in the prescribed format. It is said by the writ petitioner that he was engaged and/or appointed as a guest lecturer in the Netaji Subas Ashram Mahavidyalaya and he had been worked there from 17.07.2027 to 04.08.2018. The writ petitioner approached the college authority with prayer to forward his earlier service in terms of memo issued by the Director of Public Instructions, Government of West Bengal but the college authority refused to forward the same. Being deprived of the said opportunity the writ petitioner filed a writ petition before this Court highlighting his grievance and prayed for appropriate relief. The said writ petition as instituted by the appellant/writ petitioner was dismissed by the learned Single Bench by passing the impugned order.

4. From the document filed by the petitioner before the Single Bench it appears that his engagement as a guest lecturer was for the period from 17th

July, 2017 to 4th August, 2018 but no document has been produced to show his continuity of service during that period. Moreover, no document has been furnished by the appellant/petitioner that he was engaged as guest lecturer on the basis of the recommendation of the governing body of the lecturer. Moreover, from the certificate as filed on behalf of the petitioner it appears that the same had been issued only about a week prior to the issuance of the memo dated 3rd September, 2019 by the Director of Public Instructions, Government of West Bengal. So, it cannot be held on the strength of the said certificate that he was appointed to the post of guest lecturer in the college. We find that learned Single Bench rightly dismissed the prayer of the writ petitioner and there is nothing to interfere in the said impugned order.

5. The instant appeal sans merit and is liable to be dismissed.
6. Accordingly, FMA 1269 of 2024 is hereby dismissed.
7. There will be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

I agree.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)