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Ct 17

WPA 10854 of 2024

Dr. Chandi Charan Kandar
-vs-
The State of West Bengal & ors.

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Ms. Shalini Ghosh
Ms. Saptaparni Raha
...for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Rajlakshmi Ghatak
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Pursuant to a newspaper advertisement dated 22.12.2006, the petitioner participated in a recruitment process initiated by the Government of West Bengal, Department of Health and Family Welfare to be appointed in the post of Lecturer in a Government College. In pursuance of memo dated 28.02.2007, the petitioner was engaged in the post of Lecturer in the discipline of Pharmaceutical Chemistry on contractual basis. On

22.08.2007, 24 teaching posts were created under various categories in the cadre of the West Bengal General Services at the Institute of Pharmacy, Jalpaiguri. In accordance with Memo dated 01.11.2007 issued by the Department of Health and Family Welfare, the petitioner was appointed to the post of Lecturer in the Institute of Pharmacy, Jalpaiguri on ad-hoc basis. On 29.08.2016, the Section Officer, Finance (Audit) Department sent a proposal to the Department praying that ad-hoc appointment of 12 lecturers at the Institute of Pharmacy, Jalpaiguri may be regularized. The expert committee constituted by the Department vide a resolution dated 14.07.2017 instructed the petitioner to attend a review cum verification session. On 24.04.2023, the Department of Finance sent another written communication to the Department of Health and Family Welfare for regularization of the ad-hoc appointment of nine Lecturers including the present petitioner. However, the matter has remained pending since then.

Learned counsel appearing on behalf of the State relies on the report and submits that in a meeting held at Swasthya Bhawan on 04.04.2024, the Department of Health and Family Welfare decided to proceed with the file to regularize the 12 ad hoc lecturers for cabinet approval through the Finance Department. The said proposal for regularization could not be done due to model code of conduct of the last Parliamentary Election. However, now the regularization of 12 ad-hoc Lecturers will be processed for

approval of the Cabinet.

In view of the decision taken by the State to regularize the appointment of ad hoc lecturers including the petitioner, no further order need be passed.

With these observations, the writ petition is disposed of by directing the concerned respondent authorities to regularize the appointment of ad-hoc lecturers in terms of their own decision and in accordance with law at the earliest, preferably within four weeks from the date of communication of this order.

This Court cannot predict the manner in which the appointment would be regularized. Therefore, the question of whether the appointment should be given effect from the date of the petitioner's initial appointment has not been gone into and is kept open.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)