

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**Present:**

**The Hon'ble Justice Partha Sarathi Sen**

**WPA 14076 of 2015**

**With**

**CAN 4 of 2022**

**With**

**CAN 5 of 2022**

**Kalyan Das & Ors.**

**Vs.**

**The State of West Bengal & Ors.**

For the petitioners : Mr. Sajal Kanti Bhattacharyya  
Mr. Sarthak Burman  
Mr. Sandip Das

For the State : Mr. Deepnath Roy Chowdhury  
Ms. Debangana Dey Nayak

Heard on : 19.09.2024

Judgment on : 19.09.2024

**PARTHA SARATHI SEN, J.:**

1. In this writ petition the writ petitioners have prayed for issuance of appropriate writ against the respondents commanding them from not to make any obstruction in taking regular classes in Sunderban

Mahavidyalaya with a further prayer to release their salaries forthwith.

2. It is submitted on behalf of the writ petitioners that all the writ petitioners were appointed by the respondent no. 4, i.e., the Secretary of the governing body of Sundarban Mahavidyalaya as guest lecturers in different subjects. It is submitted further that in the said appointment letter it has been specifically mentioned that such appointment is temporary in nature for a period of six months which is renewable after every six months with a break of service for one full working day in between and such temporary service can be terminated by one month notice.
3. It is the grievance of the petitioners that though their service was renewed time to time till May, 2015 but subsequently they were not allowed to take classes in the college of the respondent no. 4 authority.
4. It is further submitted on behalf of the writ petitioners that as per the terms of the appointment letter some of which have been annexed with the instant writ petition the writ petitioners' services were never terminated by one month's notice and thus the action of the respondent authorities more specifically the respondent no. 4 is totally illegal for which the invoking writ jurisdiction of this Court is very much required.

5. Per contra, learned Advocate for the State submits before this Court that the instant writ petition is ex facie not maintainable. It is submitted further that inordinate delay has been caused in serving notice upon the respondents on behalf of the writ petitioners which shows that the writ petitioners are not at all diligent in proceeding with the instant writ petition. It is further submitted that the writ petitioners are not entitled to any relief as prayed for since the State has got no role in the temporary appointment of the writ petitioners. It is further submitted on behalf of the State respondents that since the employment of the writ petitioners is purely temporary in nature and on contractual basis they have got no right to the said post and, therefore, no relief may be granted to the writ petitioners.
6. Upon consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties if I look to some of the appointment letters which have been issued by the respondent no. 4 authority to some of the writ petitioners which are available at page nos. 17 and 18 of the instant writ petition, it would reveal that the appointments of the writ petitioners in the college of the respondent no. 4 authority is purely temporary in nature and for a period of six months which is renewable after six months with a break of service for one full working day in between. There is also a clause that such

temporary service of the writ petitioners can be terminated by one month's notice from either side.

7. Admittedly no document is forthcoming that after 2015 the temporary service of the writ petitioners as guest lecturers in the college of the respondent no. 4 has been extended by the respondent no. 4 authority. On behalf of the writ petitioners much stress was given upon the last line of the appointment letters. It has been submitted that no termination notice has been served upon the writ petitioners by the respondent no. 4 authority.
8. In considered view of this Court termination of service by one month's notice from either side is required during the period of six months when the writ petitioners were in temporary service.
9. At this juncture, I may safely place reliance upon the reported decision of the Hon'ble Apex Court in the reported decision of State of U.P. Vs. Kaushal Kishore Shukla reported in (1991) 1 SCC 691 wherein the Hon'ble Apex Court while dealing with a similar subject held thus:

*“Under the service jurisprudence a temporary employee has no right to hold the post and his services are liable to be terminated in accordance with the relevant service rules and the terms of contract of service.*

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*A temporary government servant has no right to hold the post, his services are liable to be terminated by giving him one month's notice without assigning any reason*

*either under the terms of the contract providing for such termination or under the relevant statutory rules regulating the terms and conditions of temporary government servants.”*

10. The same view was taken in the reported decision in A.P. State Feraration of Coop. Spinning Mills Ltd. Vs. P.W. Swaminathan reported in (2001) 10 SCC 83 wherein the Hon’ble Apex Court expressed the following:

*“3. The legal position is fairly well settled that an order of termination of a temporary employee or a probationer or even a tenure employee, simpliciter without casting any stigma may not be interfered with by the court. But the court is not debarred from looking at the attendant circumstances, namely, the circumstances prior to the issuance of order of termination to find out whether the alleged inefficiency really was the motive for the order of termination or formed the foundation for the same order. If the court comes to a conclusion that the order was, if fact, the motive, then obviously the order would not be interfered with, but if the court comes to a conclusion that the so-called inefficiency was the real foundation for passing of order of termination, then obviously such an order would be held to be penal in nature and must be interfered with since the appropriate procedure has not been followed.”*

11. No materials have been placed before this Court that the temporary service of the writ petitioners have been renewed by the respondent no. 4 authority after a certain point of time. There is no allegation that the writ petitioners were terminated from their respective services with some stigma. It is trite law that the service which is purely temporary and contractual in nature, an employee has got no right over such service.
12. In view of the discussion made hereinabove, this Court finds that the writ petitioners are not entitled to any relief as prayed for as against the respondents.
13. This Court thus considers that the instant writ petition is devoid of any merit and is thus dismissed. All pending interim applications are also disposed of.
14. There shall be no order as to costs.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**(PARTHA SARATHI SEN, J.)**