

13.08.2025.

PB

Sl. No.20.

Ct. No.23.

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19239 of 2009

Shibdas Dholey

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. Sk. Imtiaz Uddin.

.....for the petitioner.

Mr. Swapan Kr. Datta,
Mr. Dipankar Das Gupta.

.....for the State.

1. The affidavit of service, filed by the petitioner in Court today, is taken on record.

2. This instant writ petition has been filed by the petitioner seeking direction upon the State respondents, their agents, servants, subordinates, employees and/or assignees particularly the Director of Public Instruction, West Bengal to grant the benefit of past service of the petitioner from 12.12.2001, as rendered Lecturer in Mathematics in University Institute of Technology.

3. The brief facts of the case of the petitioner are that he was appointed as Lecturer in Mathematics at Trivenidevi Bhalotia College being recommended by the West Bengal College Service Commission in the year 2005 and the appointment letter was issued in

favour of the petitioner on 22nd February, 2005 under reference No. 255/939. The same is annexed as Annexure 'P-1' in the writ petition but his past service has not been counted.

4. It appears from the record that no affidavit-in-opposition filed by the respondents despite direction by this Court vide order dated 29th April, 2009.

5. Heard the learned counsel for the parties.

6. It is submitted on behalf of the petitioner that after General body meeting, a resolution was taken on 25th July, 2006. Copy of the resolution was forwarded to the Secretary, Higher Education Department, Government of West Bengal, Salt Lake, Calcutta-700 091 by the Principal, T.D.B. College with a request to consider his pay-protection as per service rule counting his previous service. But, the said recommendation has not yet been considered by the respondent authority in accordance with law though the writ petitioner is entitled.

7. Considering the nature of prayer and long pendency of this case, no fruitful purpose will be served by keeping the writ petition pending.

8. Accordingly, the respondent no. 2 is directed to consider the recommendation made by the Principal TDB College, Ranigunj, Burdwan, vide reference P/327/442 dated 05.01.2007 strictly in accordance with law after affording an opportunity of hearing to the writ petitioner within a period of 8 weeks from the

date of communication of this order and pass a reasoned order.

9. Copy of the same be supplied to the writ petitioner within one week thereafter.

10. With the above observation, the writ petition being **WPA 19239 of 2009** is, thus, disposed of.

11. The petitioner is directed to communicate this order along with the writ petition with annexures to the respondent no. 2 for compliance.

12. Since no affidavit filed by the respondents, allegations made in the writ petition shall be deemed not to have been admitted by the respondents.

13. No order as to costs.

14. All parties are to act on a server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)