

Court No.05 26.02.26
JPD
Item no. 23 BR

In The High Court At Calcutta
In the Circuit Bench at Jalpaiguri
Appellate Side

W.P.A. 114 of 2024

Falguni Mondal
-vs-
The State of West Bengal and Ors.

Mr. Ekramul Bari,
Mr. Imtiaz Uddin ,
Ms. Rinka Chakraborty
... for the petitioner

Mr. Subir Kumar Saha,Ld. AGP
Mr. N.Paul

... for the State

1. The writ application has been preferred praying for direction upon the respondents to set aside, cancel and withdraw the memo dated **30.10.2023** issued by the Director of Public Instruction, Government of West Bengal.
2. Vide the impugned reasoned order passed in compliance of the direction of the High Court in W.P.A. 8191 of 2020, the respondent no. 2 herein considering the report of the petitioner therein held as follows:-

“The Principal, Ananda Chandra College in his report dated 20.02.2021 submitted that the petitioner served the college from 08.09.2011 to 31.01.2015. As per convention of the college the Guest Lecturers are engaged for 6 months for every academic year (except Laboratory based subjects). After the end of 6 months generally from August to January, fresh interviews are called and Guest Lecturers are appointed on the basis of those

interviews. The petitioner was not engaged in the said college after 2015. The last appointment of Guest Lecturer was made on the basis of walk in interview at Ananda Chandra College in the year 2018 and after this the GB of the college approved the panel in its meeting held on 10.08.2018. In the interview Falguni Mandal did not appear and even she was not at all engaged in the college for last three years from the date of issuance of the GO vide no. 1638-Edn (CS) dated 03.09.2019 relating to approval of SATC, so the details of the petitioner were not uploaded in the official portal of Higher Education Department vide GO No. 1638-Edn (CS) dated 03.09.2019.

Since the petitioner was not serving the college as on 13.07.2019 i.e., the cut off date for coming under the zone of consideration for becoming SACT, the claim of the petitioner for approval of the service as SACT cannot be entertained.

So, the case of Falguni Mandal, the writ petitioner does not stand the test of scrutiny in light of the said Memo dated 23.12.2019 and she cannot in any way be brought within the nomenclature of PTT/CWTT/GT and as such Falguni Mandal, the writ petitioner is not entitled to any benefit of the said Memo dated 23.12.2019.

Hence, the prayer of the Petitioner Falguni Mandal is rejected on proper consideration in view of the discussion made herein above. The case is thus disposed of.

Let this decision be communicated to the petitioner forthwith and all other concerned be informed accordingly”.

- 3.** Learned counsel for the petitioner submits that the petitioner herein joined and admittedly served in the said college as a

guest lecturer for the period from 08.09.2011 to 31.01.2015 and as such it is submitted that as she had served prior to the cut of date i.e., **23.12.2019**, she was thus qualified to be considered to be enlisted for SACT. It is also stated that she was within the zone of consideration, considering the cut off date.

4. Learned counsel appearing for the petitioner has relied upon the memorandum dated 23.12.2019, wherein it has been laid down as follows:

*“The matter of restructuring of service conditions and other benefits for Government approved Part Time teachers (PTTs). Government approved Contractual Whole time teachers (CWTTs) and Guest teacher, in any nomenclature, **engaged** in different Government/ Government aided colleges in the State of West Bengal **up to 13.07.2019**, was under active consideration of the State Government for sometimes past”.*

5. In the said order it was further clarified as follows:-

*“The benefit of this Order shall be allowed to the Part Time Teachers, Contractual Whole Time Teachers and Guest Teachers who were **engaged** in the college on or before 13.07.2019”.*

6. Learned counsel for the opposite party submits that as the petitioner was admittedly not in service on the cut off date i.e., 13.07.2019, the petitioner did not

qualify to be within the zone of consideration.

7. On hearing the learned counsels for the parties and on perusal of the materials on record and the memorandum dated 23.1.2019, this Court finds that admittedly the cutoff date was "13.07.2019" to be qualified to be in the zone of consideration.
8. The clause (Paragraph) as follows:-
"The benefit of this Order shall be allowed to the Part Time Teachers, Contractual Whole Time Teachers and Guest Teachers who were engaged in the college on or before 13.07.2019" of the said memorandum dated 23.01.2019 states that the benefit of the order shall be allowed to those category of teachers mentioned therein who were **engaged** in the college on or before the **13.07.2019. The said clause is interpreted by the parties differently.**
9. The petitioner herein claims the benefit on the ground that Clause V lays down, that the benefit would also be given to a teacher who were engaged **on or before** the cut off date. The petitioner having been engaged before the 13.07.2019, thus claims the said benefit.
10. On the other hand learned counsel for the respondent submits that the benefit is available to those candidates who have been **engaged prior to/on or before 13.07.2019 and have continued to be in service as on 13.07.2019.**
11. It is thus submitted by the respondent, that as admittedly the petitioner did not continue to be in the college from 2015 till 13.07.2019, the petitioner does not come within the zone of consideration.

12. It appears from the impugned order that after 2015, when an interview was held and a panel was prepared in the year 2018, **the petitioner did not appear** and was thus not engaged in the college for the last three years and as such the details of the petitioner were not uploaded in the portal of the Higher Education Department on the cut-off date i.e., 13.07.2019. **The sole ground for rejection of the petitioner's prayer is that she was not serving in the college since 2015 and thus also not on the cut-off date i.e., 13.07.2019.**
13. On hearing the parties, the only sentence which comes to the aid of this Court, is line 3 in the memorandum dated **23.12.2019**, which notes as follows:-
*“in any nomenclature, **engaged** in different Government/ Government aided colleges in the State of West Bengal **up to 13.07.2019**, was under active consideration of the State Government for sometimes past”.*
14. **This said benefit has also been provided at Para 7(V) of the said order:-**
*“.....The matter of restructuring of service conditions and other benefits for Government approved Part Time teachers (PTTs). Government approved Contractual Whole time teachers (CWTTs) and Guest teachers, in any nomenclature, **engaged** in different Government/ Government aided colleges in the State of West Bengal **up to 13.07.2019**, was under active consideration of the State Government for sometimes past.....”*
15. It further appears that vide the said memo dated 23.12.2019, the Government

renamed the category of teachers as follows:-

“For the State aided colleges in category 1 and category II and also laid down the remuneration to which the said categories of teachers would be entitled too.

Several other clarifications were issued in the said memo. **Para I of the said memo being “on the date of issuance of this order” is relevant.** The said sentence implies that all the conditions were required to be fulfilled on the date of issuance of the order which came into effect from the date of January, 2020. As such, there has been a change of nomenclature, modification of remuneration etc., and other terms and conditions as noted in the memo, that **would be come into effect on the date of issuance of the order**, can only be taken to mean that all persons, **who were ‘engaged’ up to the cut off date**, having been **appointed on or before** the cut-off date would be eligible for consideration.

- 16. In the present case**, the petitioner served the college from 2011 to 2015. She did not appear for the interview in 2018 to be empanelled and as such was not eligible to be considered/come within the zone of consideration, being admittedly not engaged **up to 13.07.2019** (cut off date).
- 17. As such, the impugned order dated 30.10.2023 being in accordance with law requires no interference.**
- 18. WPA 114 of 2024 is dismissed.**
- 19.** All connected application, if any, stands disposed of.
- 20.** Interim order, if any, stands vacated.
- 21.** Urgent Photostat certified copy of this order, if applied for, be supplied to

the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)