

Item No.40
11.02.2026
Court. No. 6
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

WPA 1642 of 2025

Sanghamitra Karmakar
VS
The State of West Bengal & Ors.

*Mr. Nabankur Pal,
Ms. Sutapa Sen Paul,
Mr. Bodhisatya Ghosh*

...for the Petitioner.

*Mr. Sumit Kumar,
Ms. Bedashruti Bose*

...for the State.

1. The petitioner has challenged the decision of the Director of Public Instruction (DPI), Government of West Bengal dated March 24, 2025.
2. By the order impugned, the petitioner's claim for benefit under Memo No.2081-Edn (CS)/10M-83/2019 dated December 23, 2019, was regretted by the authority.
3. Mr. Pal, learned advocate for the petitioner submits that the letter dated March 15, 2022, issued by Dr. Kartick Saha, Teacher-in-Charge, Bakshirhat Mahavidyalaya would indicate that the erstwhile Teacher-in-Charge had apologized to the DPI for not having uploaded the petitioner's name in the portal of the DPI, indicating that the petitioner was a guest lecturer in the concerned

institution. The said Teacher-in-Charge also mailed the necessary information and documents to the Director of Public Instruction, so that the mistake in uploading could be corrected and the petitioner's presence as the guest lecturer of the said institution could be formally entered in the portal.

4. By another letter, the Teacher-in-Charge informed the DPI that the non-inclusion of the name of the petitioner was a mistake, which was admitted by the erstwhile Teacher-in-Charge. He requested for a chance to upload the details of the petitioner in the DPI portal, so that the petitioner may get all benefits as a State Aided College Teacher.
5. Reliance has been placed on a letter of the President/Secretary of the Governing Body of the said college dated September 30, 2016 justifying the petitioner's engagement.
6. The petitioner claims to be treated as a State Aided College Teacher, Department of Geography at Bakshirhat Mahavidyalay in the light of the memorandum dated December 23, 2019, issued by the Higher Education Department.
7. The petitioner filed WPA 4010 of 2022 challenging such inaction of the authorities in taking steps to grant the benefit of the memorandum.

8. By an order of this Court the college was directed to disclose the reasons why the petitioner's name was not uploaded in the DPI portal.
9. The college authorities informed the petitioner that the records of the college did not reveal that the governing body had passed any resolution appointing the petitioner as a guest lecturer in Geography.
10. The name of the petitioner accordingly was not uploaded and the college authority was of the view that the petitioner was not entitled to any of the benefits of the circular dated December 23, 2019.
11. The petitioner sought for various documents from the college authorities by filing an application under the Right to Information Act.
12. The college authorities furnished certain documents.
13. Upon going through the documents, the petitioner found that the erstwhile Teacher-in-Charge had apologized to the DPI for not uploading the name of the petitioner in the portal along with the relevant documents.
14. Thus, the petitioner filed WPA 16698 of 2024 which was dismissed as withdrawn. Thereafter, WPA 29 of 2025 was filed before this Court with a prayer that the petitioner may be given the benefit as a State Aided College Teacher in terms of the

government circular. The said writ petition was disposed of by the High Court with a direction upon the competent authority to pass a reasoned order on the prayer of the petitioner, upon granting an opportunity of hearing to the petitioner. Thereafter, the reasoned order was passed, which is under challenge before this Court.

15. This Court does not deem it necessary to call for any affidavit-in-opposition as the facts are disclosed in the writ petition and there are no factual disputes. In the order impugned, the authority has already narrated the facts which have been discussed hereinabove.

16. At the hearing, the Teacher-in-Charge of the concerned institution filed a report. The DPI found that the petitioner claimed to be appointed as a guest lecturer in the subject Geography at the concerned institution on September 9, 2017. In support thereto, she relied upon a experience certificate issued by the Lecturer-in-Charge of the said institution. The petitioner filed WPA 4010 of 2022 seeking the benefit of the government circular dated December 23, 2019. The said writ petition was disposed of with a direction upon the college to communicate to the petitioner, the reasons as to why her name was not uploaded at the relevant website. In compliance, the college

authority informed the petitioner that having gone through the office records, it was found that no governing body resolution had been taken in favour of appointment of the petitioner as a guest lecturer in Geography and no appointment letter was issued to the petitioner.

17. The petitioner sought for certain documents under the Right to Information Act, which were supplied. Thereafter, the petitioner filed another writ petition, which was dismissed as not pressed. Finally, the petitioner filed WPA 29 of 2025 with similar prayers and a direction was passed for disposal of the issues, by the competent authority. At the hearing, it was found that other teachers, namely, Rabi Das, Susmita Barman, Sujit Debnath who were made respondents in the earlier writ petition, applied for the position pursuant to a widely circulated advertisement for recruitment of guest lecturers in the respective subjects in the said college and a walk in interview was held. Such fact was corroborated by the Teacher-in-Charge of the college who attended the hearing before the DPI. However, the petitioner failed to provide any appointment letter. There was no evidence of the petitioner's participation in any interview. The college authorities admitted to have sent two communications to the DPI with a request to

incorporate the name of the petitioner on humanitarian grounds even though, the essential documents were missing.

18. From the contemporaneous documents which were present in the records of the college, it could not be ascertained when and how the petitioner was appointed as a guest lecturer. The petitioner has relied upon two appointment letters which show that she was engaged as a guest lecturer in sociology. These documents completely demolish the case of the petitioner who all along claimed to have been appointed as a guest lecturer in Geography. All the guest teachers whose names were uploaded in the portal and were given the benefit of State Aided College Teacher, had produced their appointment letters, interview letters and the college authorities also maintained records of those teachers. Neither could the petitioner produce any document in support of her case nor did the college authorities have anything like that in the records. Only because one of the Teacher-in-Charges felt sympathetic for the petitioner and requested the DPI to incorporate her name in the portal, does not create any right in favour of the petitioner. The documents which were necessary to be produced and which were necessary to be sent to the DPI in justification to

upload the name of the petitioner in the portal, are still missing.

19. It also appears that the government has issued a circular that, after July 13, 2019 no government colleges were permitted to engage any guest lecturer, until clearance of the concerned department. The report of the Teacher-in-Charge of the college was considered in its totality. The petitioner's score sheet at the interview was also not available. The college conducted the recruitment of guest teachers in Geography, Sociology, Education on September 27, 2016. Their names were also in the list and their appearance at the interview and engagement were supported by governing body resolutions.
20. Under such circumstances, the authority refused grant of the benefit under Memo No.2081-Edn (CS)/10M-83/2019 dated December 23, 2019 in favour of the petitioner.
21. I do not find any illegality in the order impugned. The petitioner failed to prove her case of being appointed as a guest lecturer in Geography by the college. In the absence of any document to show that the petitioner was engaged as a guest lecturer in the mode and manner provided under the relevant rules, she cannot be treated to be a guest

lecturer for the purpose of availing of the benefit of the concerned memorandum.

22. If there was a private arrangement between the college and the petitioner or the college had independently appointed the petitioner to render her services without following the procedure, the State Government cannot be blamed for such action and cannot be burdened with any kind of liability/obligation to treat the petitioner as a State Aided College Teacher.

23. Accordingly, the writ petition is disposed of.

24. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)