

03-07-2026  
ct no. 13  
Sl. 3-4  
pk

**FMA 338 of 2024**

Dr. Basudeb Dasgupta and others  
-Versus-  
State of West Bengal and others

With

**FMA 339 of 2024**

State of West Bengal and another  
Versus  
Dr. Basudeb Dasgupta and others

Mr. Sunny Nandy  
...for the appellants in FMA 338 of 2024 and  
respondents in FMA 339 of 2024.

Ms. Debjani Ghoshal,  
Mrs. Sarda Sha  
Ms. Afrin Khatun  
... for the State in both the matters.

Mr. Anuruzzaman  
... for Bidhan Chandra Krishi Viswa Vidyalaya.

1. Affidavit filed by the University is taken on record.

2. Both the appeals are directed against an order dated 04.06.2018 passed by the Single Bench of this Court. The subject matter of the appeals was a notification dated 13.12.2016 passed by the Governor of the State. By the said notification the Governor restrained granting extension of employment, reemployment or renewal of the employment in all Universities of the State.

3. The appellants/writ petitioners are the teaching staff of the Bidhan Chandra Krishi Viswa Vidyalya at West Bengal. The appellants would have retired from the University upon reaching the age of superannuation at the age of 60 years. By an earlier notification issued by the Governor dated 18.05.2009, a practice was being followed to reemploy or reengage certain teachers who fulfilled certain specific eligible criteria. The appellants were, therefore, reengaged pursuant to the notification dated 18.05.2009 for various periods including upto two years since they fulfil the criteria of the circular dated 18.05.2009. Since after the issuance of notification dated 13.12.2016 their service was discontinued.

4. Challenging such discontinuation and also seeking consequential benefits of the additional period that they were engaged, the writ petition was filed by the appellants/writ petitioners. The Single Bench was of the view that since the appellants/writ petitioners were engaged prior to coming into force of the notification dated 13.12.2016, their extension of service could not have been interfered with under the said notification dated 13.12.2016.

5. This Court has some hesitation in accepting the views of the Single Bench. However, since the appellants/writ petitioners have worked for the extended period and were receiving remuneration, therefore, this Court is not inclined to interfere with the extension of the service granted to the appellants/writ petitioners.

6. The principal thrust of the appeal of the appellants/writ petitioners is that they have been given extension of service and/or worked thereafter and they have been paid remuneration for the same. They therefore, ought to be given the benefit of the extra years of work for counting of their pensionable length of service.

7. It is also contended that it is the last drawn enhanced pay that must be reckoned for the grant of the pensionable benefits.

8. This Court is unable to accept the said argument.

9. It is now well settled that the length of service of an employee is in terms of the original employment. Any extension or renewal of service for any particular period must and should be deemed as ad-hoc. It is essentially for the purpose of completion of projects in which the teachers have

been engaged that the extension of service must be granted. This cannot by any stretch of imagination extend the pensionable length of service till the age of 60 years.

10. In the light of the discussions made hereinabove, it is held that even assuming for the sake of argument, the extended service of the appellants/writ petitioners has been done validly i.e. beyond the period of 60 years, such engagement must essentially be deemed as ad-hoc and cannot count for length of service or any other benefits.

11. The aforesaid argument is fortified by the expression used in the notification that extension of service is granted in exceptional cases and is not a matter of right conferred on any employee.

12. For the reasons stated hereinabove, the impugned order dated 04.06.2018 does not call for any interference.

13. Accordingly, both the appeals stand dismissed. Consequently, connected pending applications, if any, are also disposed of.

14. Interim order, if any, stands vacated.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ananya Bandyopadhyay, J.)**