

11.12.2024
Item No.84
KS
Ct. No.7

**W.P.A. 5520 of 2000
With
IA No. CAN 1 of 2022
(Application not in the file)**

**Nirad Baran Ganguly
Versus
The District Inspector of Schools (Secondary Education)
Burdwan & Ors.**

Mr. Tapas Kumar Bhattacharya
.....For the petitioner

Mr. Suman Dey
.....For the State

Mr. Pratip Kumar Chatterjee, Ld. Sr. Adv.

Mr. Mihir Kundu

Ms. Maitrayee Chatterjee
.....For the Private Respondent No.8

1. The petitioner has prayed for setting aside the appointment of the private respondent to the post of Assistant Teacher in History in Karui High School. It is alleged that the petitioner as well as other candidates could not participate at the interview as they were obstructed and the petitioner made a representation in that regard to the Secretary of the School on the date of interview i.e. on 5th October, 1999.
2. The petitioner further alleges that apart from the private respondent, no one appeared at the interview and the school authority prepared a one-man panel in violation of the Recruitment Rules. The petitioner further alleges that the

father of the private respondent is the Headmaster of the school in question.

3. Mr. Bhattacharya, learned advocate appearing for the petitioner strenuously contends that the preparation of one-man panel and sending the same to the concerned authority for approval of such panel is in violation of the Recruitment Rules. He further submits that the authorities ought to have conducted a fresh selection process for appointment to the post of Assistant Teacher as no other candidate excepting the private respondent were allowed to participate in the interview.
4. Mr. Chatterjee, learned senior advocate appearing for the private respondent submits that the panel was prepared strictly in accordance with the Recruitment Rules. The candidate could not have been faulted for any action taken by the respondent authorities. He further submits that the private respondent filed a writ petition praying for approval of the panel and a Co-ordinate Bench allowed the prayer of the writ petitioner. The appeal preferred by the State against such order stood dismissed. The writ petitioner preferred a Special Leave Petition challenging the order of the Hon'ble Division Bench, which was withdrawn by the petitioner herein.

5. He further submits that suppressing the fact of dismissal of the Special Leave Petition, a review application was filed, which was also dismissed. He submits that the private respondent has joined the said institution in the year 5th December, 2001 and is still serving the said school.
6. Heard Mr. Dey, learned advocate appearing on behalf of the State on the above submission.
7. Record reveals that the Hon'ble Division Bench by an order dated September 20, 2001 dismissed the appeal preferred by the State of West Bengal against the order of the learned Single Judge. Challenging the said order, the petitioner preferred a Special Leave Petition being, Special Leave Petition (Civil) No.9853 of 2003, which came up for hearing on 16th December, 2005 and the learned advocate appearing for the writ petitioner before the Hon'ble Supreme Court sought permission to withdraw the Special Leave Petition and the permission sought for was granted and the Special Leave Petition was dismissed as withdrawn.
8. It further appears from the record that the petitioner filed an application for review of the order passed by the Hon'ble Division Bench and the review petition stood dismissed for default on 1st August, 2002.

9. The issue of appointment of the private respondent was conclusively decided in the earlier round of litigation as observed hereinbefore.
10. When the appointment of the private respondent to the post of Assistant Teacher in History in the 3rd respondent school was not interfered with up to the Hon'ble Supreme Court, this Court cannot reopen such issue in this writ petition. The appointment of the private respondent has also been approved and the private respondent is serving in the said school since December, 2001.
11. For the aforesaid reasons, this Court is not inclined to grant any relief in favour of the petitioner and the writ petition accordingly stands dismissed.
12. In view of the order, pending application, if any, also stands disposed of.
13. There shall be, however, no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)