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W.P.A No. 6786 of 2020

IA No: CAN/1/2020(Old No. CAN 5735 of 2020)

Mistarul Islam
Versus
The State of West Bengal and others

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the petitioner.

Mr. Jaytosh Majumder,
Mr. B. Basu Mallick,
Mr. Rajat Datta

... for the State.

Considering the urgency pleaded by the petitioner in CAN 5735 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 5735 of 2020 is disposed of.

The petitioner was appointed by one Yousuf Ali, the Secretary of the Managing Committee of the Dighna High School as clerk in the Group "C" category. The petitioner has been working as computer instructor including the work of clerk of the school.

No permission of the D. I. of Schools was taken prior to such appointment. The appointment was also not made in terms of the Rules prescribed by the West Bengal School Service Commission. The school was

granted provisional recognition on 4th October, 2010 as a upper primary school from Class V to VII.

Mr. Jaytosh Majumder, learned government pleader, submits that the person given the appointment to the petitioner, namely, Yousuf Ali, is in fact his father.

Be that as it may, since the appointment of the petitioner was made without the prior permission of the D. I. of Schools or the West Bengal School Service Commission, the said appointment must be treated as illegal. The question of granting any relief to the petitioner does not and cannot arise.

Hence, the instant writ petition is dismissed.

All parties are to act on a server copy of this order on the usual undertakings.

(Rajasekhar Mantha, J.)