

S/L. 8.
October 15, 2020.
MNS.

W. P. A 24075 of 2019
(**Via video conference**)

Rajibpur St. Joseph High School and
another
Vs.
The State of West Bengal and others

Mr. Sandip Kumar De,
Mr. Amit Chaudhury,
Mr. Abhijit Sarkar

... for the petitioners.

Ms. Chaitali Bhattacharyya,
Ms. Ujani Pal Samanta

...for the State-respondents.

Petitioners are seeking an order on the respondent nos. 1 and 2 to consider the representation given by the petitioners on 5th December, 2019.

Petitioner no. 1 is a Christian Minority Educational Institution and the petitioner no. 2 is the Secretary of the said Institution.

Learned counsel appearing of the petitioners submits that even though the librarian in the concerned Institution was recruited sometime in August, 2019, the respondent nos. 3, 4 and 5 are not allowing the librarian to be appointed to the said Institution. Counsel submits

that the limited prayer is for a direction on the concerned respondents to consider the representation given by the petitioners and places Rule 16 of the procedures relating to recruitment for non-government aided and non-DA getting recognized institutions, notified on 3rd February, 2016, which provides that the power to interpret these Rules is reserved for the School Education Department, Government of West Bengal. Counsel submits that the appropriate authority would be the Principal Secretary to the Government of West Bengal (Respondent no. 1) to consider the Representation.

An order of a co-ordinate Bench of this Court is also shown by which a similar prayer in the same Institution had been allowed by an order dated 3rd March, 2020.

Learned counsel appearing for the State-respondents, except for respondent nos. 4 and 5, submits that appointment to the post of Librarian in the said Institution can only be made with memo sanctioning such post. Counsel, however, does not wish to stand in the way of the representation being considered by the appropriate authority.

On hearing learned counsel, W.P.A. 24075 of 2019 is disposed of in terms of the prayer (a) with a direction on the respondent no. 1, being the Principal Secretary, as well as the Commissioner of School Education, West Bengal, to dispose of the Representation dated 5th December, 2019 upon hearing all concerned parties and pass a reasoned order consequent thereto within 11th December, 2020. A copy of the reasoned order should be given to the petitioners within a week from the date on which such order is passed.

There will be no order as to costs.

Let a website certified copy of this order, if applied for, be made available to the petitioners upon compliance of requisite formalities.

(Moushumi Bhattacharya, J.)

