

3 01.09.2021
rkd Ct.05

W.P.A. 12370 of 2021
(Through Video Conference)

Muklesur Rahaman
-vs-
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Md. Ashraful Huq

....for the petitioner.

Ms. Supriya Dubey

....for the School Service Commission.

Dr. Sutanna Kumar Patra

....for the respondent no.10.

Ms. Koyeli Bhattacharyya

....for the respondent no.8.

This writ petition is preferred seeking direction for issuance of appointment letter in favour of the writ petitioner for appointment in the post of Group-D(Peon) by the West Bengal Board of Secondary Education pursuant to the recommendation Memo issued by the Assistant Secretary, West Bengal Regional School Service Commission, Northern Region, Malda, dated 25th March, 2021 which is at page 45 of the writ petition.

Mr. Jahan, learned advocate appears on behalf of the writ petitioner, draws attention to the contents of the Memo dated 25th March, 2021 whereby the writ petitioner has been recommended for appointment in the post of Group-D(Peon) in

Ranitala High School (H.S.) Murshidabad being an eligible dependent of a deceased approved teacher of a Government recognized school. It is the contention made on behalf of the writ petitioner that once in terms of the relevant provisions of the West Bengal School Service Commission (Selection of persons for appointment to the post of Non-teaching staff), Rules, 2009 recommendation has been made upon processing the application of the writ petitioner for appointment on compassionate ground, the West Bengal Board of Secondary Education, being the respondent no.10, has no other option but to issue appointment letter subject to verification of the particulars and educational testimonials of the writ petitioner.

Learned advocate representing the Board submits before this Court today that an approval of the Hon'ble Minister-in-Charge, School Education Department has been sought for by the President of Board vide Memo dated 18th August, 2021. On query Ms. Bhattacharyya is not in a position to satisfy such requirement as emanates from the said Memo dated 18th August, 2021 relating to the approval of the Minister-in-Charge, School Education Department.

Dr. Patra, learned advocate representing

the Central School Service Commission, is heard and it is the contention of the Central School Service Commission that the relevant rules does not permit seeking of approval as sought for by the President of Board of Secondary Education.

Considering the rival contention made on behalf of the respective parties including the writ petitioner and also taking note of the recommendation Memo dated 25th March, 2021 this Court finds it apposite to direct the Secretary, West Bengal Board of Secondary Education, respondent no.10, to issue appointment letter in favour of the writ petitioner upon verification of testimonials in accordance with law within a period of fortnight from the date of communication of this order in terms of the said recommendation Memo dated 25th March, 21 issued by the appropriate authority of the Central School Service Commission.

Once such letter of appointment is issued by the Board the concerned authorities are directed to take subsequent steps for appointment of the writ petitioner in the said institution as Group-D(Peon) within a reasonable time.

Memo dated 18th March, 2021 issued by the President of West Bengal Board of Secondary

Education placed by Ms. Bhattacharyya is taken on record.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)