

16.11.2021

sayandeep

Sl. No. 58

Ct. No. 05

CPAN 1011 of 2014

With

WPA 24090 of 2009

[Via Video Conference]

Buddhiswar Pramanik & Ors.

-Versus-

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya

..... for the petitioners

Learned counsel appearing for the petitioner files a supplementary affidavit which is taken on record containing a document from the office of the District Inspector of School(SE), Nadia dated 29th January, 2018 which has accorded permanent approval with effect from the date as noted in the document.

Learned counsel appearing for the State submits that he is not aware of any such document approving the appointment of the petitioners concerned.

Upon perusing the document and the respective pleadings filed by the parties, it appears that the order directed the District Inspector of Schools(SE), Nadia to approve the appointment of the petitioners within a period of four weeks from the date of communication of this order. The District Inspector of Schools sought for recalling of this order and opposed the prayer in the writ petition by making elaborate submissions on the illegality of the order passed by the Court. The records in the file show that the matter had been argued on behalf

of the State at least before this Court from 1st March, 2019 to 8th November, 2019. The approval of the petitioner was however granted by the DI on 29th January, 2018. It can hence be assumed that the State/DI had knowledge of the approval and had every opportunity to produce these documents when arguments were made by the State before this Court.

Moreover, the communication from the concerned High School to the District Inspector of Schools, Ranaghat dated 12th March, 2021 directs the latter to submit documents relating to the salary profile of the petitioners. It is inconceivable therefore that the State/DI continued to resist the prayers in the writ petition and filed a recalling application after five years. The State should be held accountable for withholding the document of which it had full knowledge and for wasting valuable judicial time in pursuing a matter which had already been worked out by the State itself.

Since the main prayer in the writ petition is for approval of appointment of the petitioners as organizing non-teaching staff in the concerned High School and that prayer has already been approved by the communication from the office of the District Inspector of Schools(SE), Nadia dated 29th January, 2018, WPA No. 24090 of 2009 is disposed of by directing the District Inspector of Schools(SE), Nadia to act in terms of the communication dated 29th January,

2018 including release of salaries of the petitioners within four weeks from date.

It is made clear that if there is any further delay on the part of the District Inspector to comply with the directions contained in this order, the petitioners shall have liberty to mention the matter for imposing exemplary costs on the concerned respondents.

Since the prayer in the writ petition has been allowed and disposed of, CAN 9194 of 2015 is treated as days' list and is dismissed on the grounds stated above.

CPAN 1011 of 2014 is also disposed of in terms of this order.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Moushumi Bhattacharya, J.)