

Court No. 17

WPA 17758 of 2021

11.11.2021

(SL 1)

(S. Banerjee)

Rama Garain

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Suvadip Bhattacharjee

Mr. Balaram Patra

... for the petitioner

Mr. Raja Saha

Mr. Shamim-ul-Bari

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Let the affidavit of service filed in court today be kept with the record.

The petitioner's case is that she was called for reasoned hearing by the West Bengal Central School Service Commission ('the Commission', for short) on 4th October, 2021 at 10:30 a.m. On that date she could not be present because she was under some gynecological problem and was under strict medical supervision. She has enclosed some prescriptions and documents pertaining to her medical investigations including a certificate of a clinic where the doctor, who operated upon the petitioner, sits. The doctor has stated in the certificate that she was admitted in the hospital on 7th October, 2021 and was also discharged on the same day. Page 81 of the writ petition shows that one clinic

issued a document of Rs. 12,000/- and the petitioner submits that she was operated on in this clinic.

Learned advocate for the Commission, Dr. Patra, has drawn my attention to the situation which shows that she was being treated in Nagpur.

I have considered the submission of Dr. Patra that there are a number of absentee candidates and this order may open a floodgate for giving them another opportunity, I make it clear that unless a substantial cost is paid to the Commission which is making all arrangement of hearing such opportunity may not be granted to the persons supported by an order from this court.

However, I am not entering into the questions of the petitioner's illness or treatment. When the petitioner wants an opportunity only to appear before the Commission for reasoned hearing, I can only allow this application with a direction upon the Chairman of the Commission to allow the petitioner in the hearing process on any subsequent day on payment of a cost of Rs. 15,000/- by the petitioner to the Commission as the medical papers do not generate confidence in my mind as to reason for missing the hearing but at the same time an opportunity of hearing, in the process undertaken by the commission, should not be denied to her for the interest of justice. It is to be kept in mind that the petitioner is not demanding a job now, she only wants to know the reason of her exclusion from the zone of consideration of a job for a school teacher.

Unless the cost is paid to the Commission by way of a bank draft within a period of ten days from tomorrow to which the petitioner agree the Chairman shall have no reason to allow the petitioner for giving her a further opportunity to appear in the process of reasoned hearing. The date of such hearing is to fixed within a period of 30 days from the date of payment of the cost and that will be intimated to the petitioner by sending intimation in her e-mail address as well as by SMS for which the petitioner shall furnish her e-mail address and the mobile number (where the SMS would be sent) in the covering letter for payment of the cost by way of bank draft. The petitioner will also serve a copy of this order along his draft.

With this order, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)