

40 20.12.2021
rkd Ct.15

W.P.A. 34673 of 2013
(IA NO: CAN 4/2018 (Old No: CAN 10041/2018))
(Through Video Conference)

Mansur Ali Khan & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Amal Baran Chatterjee,
Mr. Abhijit Sarkar,
Mr. Raja Biswas

....for the petitioners.

Mr. Gourav Das

....for the D.P.S.C.

This is a writ petition at the instance of the candidates claiming to be exempted category candidates who were desirous to be appointed in the post of primary teachers in the district of South-24 Parganas.

This is the second writ petition by the writ petitioner as it appears on perusal of the Memo dated 8th November, 2013, Annexure-P13 to the writ petition. It appears that previously writ petition was filed by the writ petitioners being WP 5657(W) of 2010 wherein a coordinate Bench passed an order on 21st August, 2013 directing the Chairperson, South 24 Parganas District Primary School Council to consider the representation and pass an order with regard to the claim of the writ

petitioners for appointment in the post of primary teachers.

It has been submitted by Mr. Chatterjee, learned senior advocate that without considering the relevant materials the Memo was issued on 8th November, 2013 pursuant to the order of the coordinate Bench dated 21st August, 2013 which is subject matter of challenge in the present writ petition. Attention of this Court has also been drawn to paragraphs 9 & 10 of the writ petition in order to demonstrate before this Court that some of the candidates, namely, Dulal Chandra Halder and Shyamal Kumar Dutta were unduly favoured by the District Primary School Council in the matter of preparation of panel for appointment but they have not been made parties in this writ petition. Petitioners have also failed to satisfy the query of the Court that on what score these candidates were favoured by the respondent authorities in the matter of giving appointments in the post of primary teachers.

The District Primary School Council is represented by Mr. Das, learned advocate who has also defended the order passed by the Chairperson, South 24 Parganas District Primary School

Council as contained in the Memo dated 8th November, 2013.

This Court has considered the submissions made on behalf of the parties to this writ petition and also examined the materials available on record specially the decision as contained in Memo dated 8th November, 2013 issued by the Chairperson, South 24 Parganas District Primary School Council.

On perusal of the said Memo dated 8th November, 2013, it appears that the writ petitioners have obtained less than 28.856 marks in the selection test conducted by the District Primary School Council, South 24 Parganas as a result whereof they were found ineligible for being appointed in the post of primary teachers.

It appears that the selection process was conducted in the year 2006 by the Council and by this time the panel which was prepared by the Council must have lost its force. It is submitted by Mr. Das appearing for the Council that the life of the panel expired on 31st August, 2012.

In above conspectus, this Court does not find any merit in the writ petition and the same

stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)