

04.02.2021

SL No.26

Court No.12
BM

MAT 803 Of 2020
With
IA No.CAN 1 of 2020
With
IA No.CAN 2 of 2021

Rabiul Islam Mondal
Vs
State of West Bengal & Ors.

(Via Video Conference)

Mr. Syed Mansur Ali
...for the Appellant.

Mr. Joytosh Majumder, learned GP
Mr. Raja Saha,
Mr. Biswabrata Basu Mullick
...for the State.

Re: CAN 1 of 2020

We have considered the report filed by the Additional Stamp Reporter regarding delay. In view of the order of the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3/2020 dated 23.3.2020 and the reasons furnished for not being able to prefer the appeal within the period of limitation, the period of delay in preferring the appeal is condoned.

CAN 1 of 2020 is allowed.

The appeal shall be registered if it is otherwise in form.

By consent of the parties the appeal and application has been taken up for hearing and disposed of by this common order.

This is appeal arising out of order dated 4th February, 2020 in a writ petition challenging the letter of the District Inspector of Schools(SE) dated 3rd January, 2017 by which the District Inspector of Schools(SE) did not grant approval to the panel of Group-D of the said Madrasah on four grounds namely (i) no document regarding advertisement of recruitment in State Level Daily Newspaper was found. (ii) copy of approval for formation of Selection Committee was not produced. (iii) final score sheet did not taken with the marks given in individual score sheet. (iv) Candidates were assessed for 20 marks in the interview which is contrary to the DSE, WB's Memo No.2816(17)/GA dt. 4th December, 1989.

The learned trial Judge has taken note of anomalies listed in the preparation of panel as indicated by the concerned District Inspector of Schools in his memo dated 3rd January, 2017.

The learned single Judge has been satisfied with the reasons furnished by the District Inspector of Schools(SE) for not approving the panel and in absence of any contrary evidence to show that the conclusion arrived at by the District Inspector of Schools(SE) is perverse dismissed the writ petition.

Before us the petitioner is unable to demonstrate that the finding of the District Inspector of Schools(SE) is perverse.

On such consideration we did not find any reasons to interfere with the order passed by the District Inspector of Schools(SE). It is significant that the Madrasah did not challenge the order of the District Inspector of Schools(SE).

On such consideration the appeal fails.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)