

Court No. 24
24.02.2022
(Item No. 14)
(AB)

W.P.A. 1639 of 2022
(via video conference)

Gangaram Hemram @ Gangaram Hembram
VS
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
..... for the petitioner
Mr. Tapan Kumar Mukherjee
Mr. Rajat Dutta
..... for the State
Mr. Ranjan Saha
..... for DPSC Paschim Medinipur
Mr. Ekramul Bari
Mr. Sujit Banerjee
Mr. Niloy Sengupta
..... for respondent No. 9

The petitioner has averred in the writ petition that he is a public spirited person involved in various social activities. The petitioner has claimed in the writ petition that for the last ten years he is serving as the Secretary of Chaksahapur Lodha Samaj Sebak Sangha which provides hostel facilities including fooding and lodging free of cost and the said Society is recognized by the Government of West Bengal and the Government provides some financial aid to the said Society for running the hostel.

The petitioner alleges that there are certain illegal and arbitrary activities going on in the said hostel. The funds of the hostel are misutilized and the children of the school who are primarily Scheduled Tribe category students are ill treated by the teacher of Chaksahapur Primary School.

The petitioner earlier filed a writ petition before this Court in the form of a Public Interest Litigation being WPA

(P) 11 of 2022 (Gangaram Hemram alias Gangaram Hembram Vs. State of West Bengal & Ors.). The Hon'ble Division Bench, in order dated 24th January, 2022, observed that the petitioner has a remedy to approach the competent authority of the State and if such complaint/representation is filed by the petitioner, the competent authority will look into the grievance.

The petitioner claims that representation was filed on 24th January, 2022 before the Sub-Inspector of Schools, Debra Circle and alleges that the same has not been taken into consideration till date.

The learned advocate representing the private respondent has raised serious objection with regard to the maintainability of the writ petition before this Court.

It has been submitted that the petitioner does not have the *locus standi* to file the writ petition. Writ petition filed at the instance of a public spirited person challenging the transfer of a Primary School teacher ought not to be entertained by the Court. It has further been submitted that the petitioner is not a person aggrieved and accordingly the writ petition, at his instance, is liable to be dismissed.

The learned advocate representing the Council is yet to get any instructions from his client.

As it appears that allegation has been raised regarding misutilization of Government funds and ill treatment of the students primarily belonging to the Scheduled Tribe category, accordingly, without deciding

into the merits of the case at this stage, the concerned officer of the State respondents i.e. the Sub-Inspector of Schools and the District Primary School Council, Paschim Medinipur are directed to enquire into the matter as to whether the allegations which has been made in the representation are correct or not.

In the event, it appears that the allegations made herein above are true, then necessary steps shall be taken by the State respondents to remedy the same.

The petitioner is directed to forward a copy of the representation dated 24th January, 2022 to the aforesaid respondents at the time to communicating the order of this Court.

The enquiry shall be conducted by the aforesaid respondent in a manner so that everybody gets proper opportunity to place their case before the authority.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)