

Item No.39

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

23.03.2022
Ct-24

WPA 2681 of 2022
Md. Mojammel Hoque
v.
The State of West Bengal & Ors.

Mr. Sukanta Chakraborty
Mr. Sagar Saha
... for the petitioner.

Mr. Swapan Kumar Dutta, Sr.Adv.
Mr. Pradyot Kumar Das
... for the State respondents.

Mr. Shamim Ul Bari
... for DPSC, Malda.

The petitioner participated in the recruitment process of primary school teachers conducted by the Malda District Primary School Council under the EC category of candidates.

The petitioner was called to appear in a written test held on March 2, 2014.

In compliance of the direction passed by the Court on May 14, 2015 in WP No. 8791(W) of 2015 the Council permitted the petitioner to appear in a special interview which was held on July 27, 2015. The petitioner asserts that he duly appeared before the interview board on the said date.

The grievance of the petitioner is that even though he did very well in the interview his name has not been empanelled in the final merit list for appointment of primary teachers.

The petitioner has annexed the merit list published by the Malda District Primary School Council signed by the Chairman of the Council on April 28, 2015, Deputy Director of School Education (Rural Primary), West Bengal on June 11, 2015, Joint Director of School Education, West Bengal on June 11, 2015, Commissioner of School Education, West Bengal and Secretary, Malda District Primary School Council on April 28, 2015.

The panel was approved provisionally in 2015.

The petitioner has approached this Court by filing the present writ petition on February 14, 2022 alleging that appointment letter was not issued in his favour.

The petitioner relies upon information provided to him under the Right to Information Act, 2005 on May 12, 2021 in reply to his query made on March 24, 2021 that he appeared in the verification table on February 16, 2015 and his category column entry is 'General' and remarks column entry is 'No EC. Below cut off marks'.

The petitioner submits that the respondent authorities did not reply to the representation, which was sent to them through post in December 2021.

The petitioner prays for a direction upon the respondent authorities for consideration of the representation made by him in December 2021.

From the submissions made on behalf of the petitioner and from the documents annexed to the writ petition it appears that the petitioner appeared before the Council in a special interview held on July 7, 2015, Thereafter, the petitioner did not proceed any further to pursue his claim for appointment.

The final merit panel, which has been annexed to the writ petition, was prepared prior to the date of interview of the petitioner. His name naturally did not appear in the said panel.

Had the petitioner been genuinely interested to get the job, he ought to have proceeded with the matter in the right earnest. There is only one application made by the petitioner under the Right to Information Act in March 2021 and a further representation in December 9, 2021. That apart, no effort appears to have been taken by the petitioner to assert his claim for appointment. There is no communication in the interregnum from August 2015 till February 2021, nearly six long years. Moreover, the reply given under the Right to Information Act mentions that he scored marks less than the last empaneled candidate.

It appears from the affidavit which has been affirmed by the petitioner that he is presently fifty-eight years of age. The normal age of superannuation of primary school teachers is sixty years. It is too late in the day for the petitioner to approach Court for getting an order of appointment in his favour.

There is no averment in the writ petition explaining the inordinate delay in approaching the Court.

In view of the above, the Court is not inclined to entertain the writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)