

IN THE HIGH COURT AT CALCUTTA

(Constitutional Writ Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Krishna Rao

WPA 2386 of 2003

Kasem Seikh

Versus

The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

Mr. Pratip Kumar Chatterjee

.....For the Petitioner

Ms. Kakali Samajpaty

.....For the State

Heard on : 16.08.2022

Judgment on : 25.08.2022

Krishna Rao, J.:- The petitioner has filed the instant writ application praying for setting aside the panel prepared on the basis of interview dt. 24.01.2003 for the post of Class IV staff in Hizole High School, P.O- Natungram, District- Murshidabad and also praying for a direction to conduct fresh interview of the same candidates who appeared in the interview dt. 24.01.2003.

The petitioner is working in the said school as Class IV employee voluntarily with effect from 01.03.1999-A permission was obtained for

appointment of Class IV staff vide Memo No. 4054-G dt. 30.12.1988 but no permanent staffs were recruited and again vide Memo No. 116/CC dt. 24.04.2001, the District Inspector of Schools (SE), Murshidabad had accorded re-permission to fill up the said vacancy. As the petitioner is working in the said school since the month of March, 1999 but her service was not regularized and accordingly the petitioner has preferred a writ application before this Court being WP No. 914 (w) of 2000 and accordingly the Coordinate Bench of this Hon'ble Court has disposed of the said writ application by directing the respondent to allow the petitioner to appear before the Selection Committee for interview on 24.01.2003 for the purpose of recruitment to the post of Class IV staff in the said school.

As per the direction passed by the Coordinate Bench of this Court, the petitioner had participated in the selection process. The petitioner submits that the petitioner came to know in the said interview process one of the Selection Committee member i.e. the Government Nominee had allotted 14 marks to the petitioner out of 15 marks, Headmaster-cum-Secretary had allotted 15 marks out of 15 marks, the President of the Managing Committee had allotted only 1 mark out of 15 mark and the Panchayat Samiti Representative had allotted only 2 marks out of 15 marks wherein the President, Managing Committee and Panchayat Samiti Representative have allotted 15 marks out of 15 marks to the respondent no. 8.

The petitioner submits that the President, Managing Committee and Panchayat Samiti Representative have allotted less marks to the petitioner arbitrarily only with the intention to debar the petitioner to get regular

appointment as Class IV employee in the said school. The petitioner submits that the meeting of the Managing Committee was fixed on 28.01.2003 for approval of the panel but the said meeting was postponed due to lack of quorum and again on 05.02.2003, a meeting was called for to discuss an approval of the previous meeting dt. 28.01.2003, final voter list of the Managing Committee Election and Miscellaneous and there is no agenda for approval of the panel.

The petitioner submits that the Managing Committee of the School had acted arbitrarily only with the intention to debar the petitioner for getting the job in the said school.

Counsel for the respondent submits that the writ petition filed by the petitioner has become infructuous as the school authorities have not submitted any panel list for approval to the concern authority. It is further contended that if any panel list is prepared, the same is to be valid only for one year and thus at this stage after the lapse of 19 years no order can be passed in the instant application.

The petitioner has challenged the selection process of Class IV employee, though the petitioner has made several allegations against the member of the Selection Committee but the petitioner has not filed any document to show that any panel list was prepared or any of the persons have been appointed from the said panel list. The petitioner has categorically mentioned about obtained mark in the interview process but no document was placed on record to establish the contention raised by the petitioner. It is not the case of the petitioner that the respondents have

appointed any persons who have obtained less mark than the petitioner. The petitioner has challenged the selection process of 2003 but the petitioner has not substantiated his contention by cogent evidence.

After going through the pleadings and the documents relied by the petitioner this Court is of the view, the petitioner has filed the instant writ application only making a bold allegations against the members of the Selection Committee but has not produced any documents to substantiate that the said persons were the member of the Selection Committee and have allotted the marks as claimed by the petitioner.

In view of the above, this Court is of the view the writ petition is filed by the petitioner is misconceived and accordingly **WPA 2386 of 2003 is dismissed.**

Parties shall be entitled to act on the basis of a server copy of the Judgment and Order placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)