

02.08.2022
Court No.13
Item No.588 & 589
sp

WPA 4706 of 2011
With
WPA 16744 of 2007

Md. Jannesar Akhtar
Vs.
State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioner

Ms. Chaitali Bhattacharya,
Mr. Kartik Ch. Kapas

....for the State

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

...for the WBCSSC

Mr. Syed Mansur Ali,
Mr. Tauhid Khan

....for the respondent no.6

Mr. Debajyoti Datta,
Mr. Arijeet Doss Mullick

....for the respondent no.8

Both the School Service Commission and the District Inspector of Schools (SE), Kolkata, have filed their respective reports.

This Court would have been compelled to come to conclusions to the serious detriment of either the writ petitioner or the private respondents. But having heard the counsel for the State, the school, the SSC and the private respondents, this Court finds that there is otherwise no complaint with regard to the service of either the writ petitioner or the private respondents.

The school on the contrary has insisted that they should be allowed to retain both the petitioner

and the respondent No.8. The State objects stating that there is only one sanctioned post. The State has come forth with choice of nearby schools based on the last given address of the private respondent no.8.

In the above circumstances, based on the submissions made by the parties, this Court allows the 8th respondent to exercise the choice of joining Dhankheti High School, G 185, Dhankheti, Garden Reach, Kolkata- 700024.

The service records of service of the 8th respondent shall be immediately transmitted to the Dhankheti High School, at Garden Reach, Kolkata, as expeditiously as possible but not later than a period of 10 days from date.

The service of the writ petitioner shall stand approved by the DI from his date of initial appointment i.e. 28th June, 2005 in the M.L. Jubilee Institution, Kolkata.

The petitioner as well as the 8th respondent shall have full continuity of service from the date of their respective appointments and shall continue to get all service benefits in the present school i.e. M.L. Jubilee Institution, Kolkata.

The 8th respondent may at his discretion, apply for transfer from the said school after a period of six months, through the Utshasree portal for a school nearby his residence at Howrah.

The five-year bar requirement of serving at Dhankheti High School, shall not stand in the way of the 8th respondent, in his application for transfer as permitted hereinabove.

With the aforesaid observations, both the writ petitions shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)