

M/L 418
23.11.2022
Court. No. 19
GB

W.P.A. 5860 of 2022

Ashok Kumar Mandal & Ors.
VS
The State of West Bengal & Ors.

*Md. Mokaram Hossain,
Mr. K.P. Mukhopadhyay,
Mr. Sandipan Maity.*

...for the Petitioners.

*Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly.*

...for the State.

*Md. Sarwar Jahan,
Mr. Mousumi Mitra.*

...for the Respondent Nos.2, 3 & 6.

Relying on a resolution of the managing committee of Dharampur Madhyamik Shiksha Kendra, the petitioners are asserting their right to be absorbed upto the age of 60 years as 'Samprasarak', 'Samprasarikas' and non-teaching staff of the Madhyamik Shiksha Kendra.

Apart from the resolution of the managing committee of the said Madhyamik Shiksha Kendra adopted in 2009, not a single document has been put forward before the Court which would indicate that the petitioners were retained in the said Madhyamik Shiksha Kendra since 2009.

Whether the resolution adopted was at all approved by the appropriate authority or not, is also not clear to the Court.

In the letter dated February 27, 2020, issued by the Mission Director and Special Secretary to the Government of West Bengal, Paschimbanga Rajya Shishu Shiksha Mission, the criteria to be fulfilled by the concerned persons, who had

been engaged in the capacity of 'Samprasaraks', 'Samprasarikas', etc. have been clearly stated. The petitioners have not been able to show whether these criteria had been fulfilled by them or not.

It also appears that the Mukhya Samprasarak of Dharampur Madhyamik Shiksha Kendra intimated the Block Development Officer the names of the candidates who continued to serve as volunteer teachers in the said institution. Such letter is also not before the Court which would indicate that the petitioners were considered to be the volunteer teachers continuing in the said Madhyamik Shiksha Kendra.

Under such circumstances, no order can be passed in the writ petition. The writ petition is devoid of material particulars. The necessary pleadings are also absent.

Mr. Jahan, learned advocate appearing on behalf of the Mission Director submits that the petitioners were not eligible and as such, the resolution adopted in the meeting of the Madhyamik Shiksha Kendra, was never approved by the panchayat samity.

Accordingly, the writ petition is disposed of with a direction upon the Mission Director and Special Secretary to the Government of West Bengal, Pachimbanga Rajya Shishu Shiksha Mission to intimate the petitioners the reasons as to why they could not be granted the benefits of 'Samprasaraks', 'Samprasarikas' and non-teaching staff on the basis of the resolution of the Madhyamik Shiksha Kendra adopted in 2009. Such communication shall be made within

a period of six weeks from date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the Mission Director.

Accordingly, the writ petition is disposed of.

However there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)