

01.08.2022.
Court No.13
Item No. 18
ap

W.P.A. No. 4748 of 2014

**Srijani Bera
Versus
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharya, Sr. Advocate,
Ms. Aiswariya Gupta,
Mr. Komal Singh.

..For the petitioner.

Mr. Pinaki Dhole,
Ms. Kakali Samajpaty.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petition is directed against a claim In
respect of a post of Para Teacher in History in Kheput
High School, Khepur, District – Paschim Medinipur.
The recruitment process started in the year 2010.
Twelve persons were called for interview.

Counsel for the petitioner produces an extract of
a RTI reply which indicates that three persons were
shortlisted and a panel was prepared and the
petitioner was number one. He submits that the two
other candidates, namely, Rehana Sultana Sekh and
Mallika Pal did not pursue their claims.

The petitioner has been steadfastly pursuing the
recruitment process which resulted in her non-
selection and non-approval by the District Project
Officer, Sarba Shiksha Mission, Paschim Medinipur.

The records indicate that the alleged panel prepared was never sent to the District Project Officer (DPO), Sarba Shiksha Mission, Paschim Medinipur by the Managing Committee of the Kheput High school. The School was of the view that there was no quorum. There is some doubt as to whether there was unanimous approval of the members of the Managing Committee of the said School of such panel.

Four rounds of litigation ensued thereafter.

Initially the said School was directed to forward the panel to the District Project Officer, Sarba Shiksha Mission, Paschim Medinipur. The forwarded panel was returned back for want of approval of the Managing Committee of the said School. The matter went to and fro between the Managing Committee of the said School and the office of the DPO. The Managing Committee of the said School could never formally approve the panel since the members of the Committee under which the recruitment process took place were not available. The bottom line is that a lawful and valid panel has been emerged from the school.

The District Project Officer, Sarba Shiksha Mission, Paschim Medinipur from time to time in various writ petitions considered the purported panel. The last communication of the DPO, Paschim

Medinipur was that the process of appointing Para Teachers came to an end on 30th May, 2011.

This Court could have considered the claim of the petitioner, had there been lawfully approved panel from the School Managing Committee. The lapse of time from 2010 to 2014 and until 2022 could have been attributed to pendency of litigation.

However, this Court is of the clear and unequivocal view that since the selection process and the purported panel prepared was never ever formally approved by the Managing Committee of the said School and no approved panel have ever been received by the District Project Officer, Sarba Shiksha Mission, Paschim Medinipur under the provisions of the Sarba Shiksha Mission. Hence, no relief can be granted to the writ petitioner in this writ petition.

The instant writ petition must fail and is hereby dismissed.

There will 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.)