

27.06.2022.
Court No.13
Item No. 41
ap

W.P.A. No. 7928 of 2021
Sudarshan Mondal
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya,
Mr. Ashraful Huq.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. Mrinal Kanti Ghosh.

..For the State.

Supplementary affidavit filed in Court today be taken on record.

Pursuant to the direction of a Co-ordinate Bench of this Court in WP No. 6417(W) of 2018, the Regional School Service Commission, Northern Region, Malda, while considering the writ petitioner's application for compassionate appointment in place and stead of his late father Shyamapada Mondal, Assistant Teacher of Uday Smriti Primary School, District – Murshidabad, has noted that another family member one Debashish Mondal the older brother of the petitioner was duly employed.

The matter was thereafter remanded back to the District Inspector of Schools (SE), Murshidabad, for consideration afresh on 2nd January, 2020, but till date the issue remains unconsidered.

In that view of the matter, this Court directs the District Inspector of Schools (SE), Murshidabad, to verify the correctness of the fact that Debasish Mondal is living separately with separate mess than that of the family of the Late Shyamapada Mondal including the writ petitioner and without keeping any connection with the writ petitioner or his family.

For the aforesaid purpose, the writ petitioner shall furnish all the necessary documents afresh to the District Inspector of Schools (SE), Murshidabad. The matter is being sent to the District Inspector of Schools (SE), Murshidabad, since the petitioner is not qualified to be an Assistant Teacher in a Primary School and can at best be given the post of a Group-“D” post in a Secondary School.

It is expected that the District Inspector of Schools (SE), Murshidabad, shall complete the aforesaid process and make recommendation to the School Service Commission by passing a reasoned order after complying with all the Rules and formalities within a period of two months from date mandatorily and positively.

With the aforesaid observations, the instant writ petition shall stand disposed of.

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.*)