

09.09.2022
Court No.25
Item No.75
Aloke Dutta

W.P.A 6827 of 2018

Arun Mahesh
vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Anindya Bhattacharyya
.... For the petitioner

Ms. Chaitali Bhattacharyya,
Mr. Mrinal Kanti Ghosh
... For the State

Mrs. Koyili Bhattacharyya
.... For the WBBSE

Dr. Sutanu Patra
..... For the WBSSC

This writ petition has been filed praying for approval of the proposal sent by the Chairman, Purba Medinipur District Primary School Council for appointment of the petitioner as an Assistant Teacher in a primary school under the died-in-harness category.

Mr. Kamalesh Bhattacharyya, learned senior Advocate, appearing for the petitioner submits that though the petitioner has requisite qualification for appointment as an assistant teacher in the primary school but the concerned respondent authorities have not taken steps for giving him appointment.

Mr. Ghosh, learned advocate, led by Ms. Chaitali Bhattacharyya appears for the State and Dr.

Patra, learned advocate, represents the West Bengal School Service Commission.

Mr. Ghosh produces a copy of a memo no.396(3)-LP/IC/424/LP/2011 dated August 18, 2022 whereby it is evident that the Commissioner of School Education forwarded the necessary papers to the Chairman, District Primary School Council, Purba Medinipur, the District Inspector of Schools (Secondary Education), Purba Medinipur and the District Inspector of Schools (Primary Education) Purba Medinipur requesting them to act in terms of para-3 of G.O559/ES/E dated July 06, 2015 off the School Education Department for appointment of the petitioner in the Group 'C' or Group 'D' post of the aided recognised secondary schools according to the qualification of the petitioner. He also produces a copy of a memo no.441-S dated August 22, 2022 wherefrom it appears that the District Inspector of Schools (Secondary Education) acknowledged the receipt of the papers from the Secretary, Purba Medinipur District Primary School Council and the District Inspector of Schools (P.E), Purba Medinipur and the name of the petitioner has been registered in the live register maintained by the office for appointment of the petitioner as Group 'C' of any Secondary or Higher Secondary School on compassionate ground. Mr. Bhattacharyya submits

that thereafter no steps have been taken by the said authorities.

Record reveals that it has been recorded in the order dated 10.08.2022 passed by this Court that the petitioner is willing to accept the appointment commensurate to disqualification in terms of the Memo dated July 18, 2022. It further appears from record that the necessary papers regarding appointment of the petitioner has been forwarded to the concerned School Service Commission for taking necessary action.

After hearing the learned advocates for the parties and perusing the materials on record as well as memoranda dated August 18, 2022 and August 22, 2022, this Court is of the considered view that the interest of justice would be sub-served if the School Service Commission being the added respondent no.7 is directed to recommend the name of the petitioner for appointment in Group 'C' of any Secondary or Higher Secondary School and thereafter the added respondent no.8, West Bengal Board of Secondary Education shall take necessary steps for giving appointment to the petitioner.

With the aforesaid observations, the instant writ petition being WPA 6827 of 2018 stands disposed of by directing the Chairman, West Bengal Central School Service Commission, being the added

respondent no.7, to recommend the name of the petitioner in Group 'C' post of any Secondary or Higher Secondary School on compassionate ground on or before September 30, 2022 before the West Bengal Board of Secondary Education, the added respondent no.8 and the Board immediately upon receipt of such recommendation shall issue an appointment letter in terms of the said recommendation to the petitioner as expeditiously as possible but preferably within a period of 30 working days from the date of receipt of such recommendation. There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)