

26.07.2022
Court No.13
Item No.1
AP

WPA 6449 of 2008

Ashim Kumar Pramanic
Vs.
The State of West Bengal and Ors.

Mr. P.C. Ghosh
Mr. Sukumar Sarkar

... For the Petitioner.

Ms. Chaitali Bhattacharya
Mr. Shamim Ul Bari

... For the State.

Mr. Partha Sarathi Bhattacharya, Senior Advocate
Mr. Saibal Kumar Acharyya

... For the Respondent No.4.

The writ petition has been filed seeking to give effect to a one-man panel prepared by the school for appointment to the posts of Group 'C' staff i.e. clerk. The said panel was rejected by the Director of School Education.

The brief facts of the case are that the Group 'C' post in the school of Sabaldaha High School, Murshidabad was reserved for the died-in-harness category of candidates.

In an earlier round of selection three persons were interviewed, none of whom were found suitable. The petitioner who was working in the school for some time on casual ad hoc basis filed a W.P. No.16038 of 1999 before this Court and his representation for

participation in the selection process was directed to be considered by the D.I. of Schools (S.E.).

By an order dated 5th June 2002, the Director of School Education permitted the petitioner to participate in the interview process. Four persons were called for interview, but curiously only the petitioner turned up. The other three persons are stated to have absented despite notice. Notice of interview produced by the petitioner in course of hearing has been confirmed by the school authorities.

Since after preparation of the one-man panel and its rejection by the Director of School Education (S.E.), the petitioner has not been engaged in the school from the year 2002.

When this writ petition was moved, it was ordered that any action for appointment in the school would abide by the result of the writ petition.

Counsel for the petitioner as well as the counsel for the school would rely upon two decisions of this Court. Firstly the case of **Smt. Tandra Mondal Vs. State of West Bengal and Ors.** reported in **1995 (2) CLJ 308** and secondly the case of **Durga Charan Ghosh Vs. State & Ors.** reported in **2001 (1) CHN 117.**

It is submitted by reference to the aforesaid judgements that a one-man panel cannot be rejected or held to be illegal by the Director of School Education if

the entire section interview process was conducted in accordance with law.

This Court is of the view that indeed a one-man panel cannot be rejected if the selection committee had followed the due process of law and the rules for recruitment diligently and strictly. However, the coincidence and the curious turn of the events in the matter cannot be ignored.

The post was reserved to be filled up by the candidates in the “died-in-harness” of the waiting list of the State. The petitioner was a casual employee, engaged by the school without following due process of law and by twist of luck the petitioner participated in the selection process. Propriety of such decision can be seriously questioned. The subsequent events, however, would render such assessment of propriety, academic.

In the second round of interview, armed with the directions from the Director of School Education and orders of this Court, the petitioner participated and curiously the three other candidates did not turn up for the interview.

A one-man panel is prepared and sent for approval eventually to the Director of School Education which was rejected the panel.

As already indicated hereinabove, a one-man panel cannot otherwise be thrown out unless a gross

inconsistency and/or illegality is evident in the selection process.

However, in the peculiar facts and circumstances of the case, this Court is not inclined to interfere with the order of the Director of School Education.

The petitioner is already 58 years old. No useful purpose even otherwise would be served in reviving a suspicious selection process of 2002, after 20 years.

For the reasons stated hereinabove, the writ petition is disposed of without any further orders.

There shall be no order as to costs.

Interim orders, if any, shall stand vacated.

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

(Rajasekhar Mantha, J.)