

ML- 22.08.2022
355 Ct.15
rkd

W.P.A. 11067 of 2021

Md. Humayun

-vs-

The State of West Bengal & Ors.

Mr. S. P. Lahiri,
Md. Habibur Rahman,
Mr. Marghoob Ahmed Salik,
Mr. Rajesh Naskar

....for the petitioner.

Md. Sarawar Jahan,
Ms. Mausumi Mitra,
Mr. Maidul Islam Kayal,

....for the respondent no.2.

Mr. M. Nazar Chowdhury,
Ms. Priyanka Saha

....for the respondent no.10.

Mr. Lalit Mohan Mahato,
Mr. Hare Krishna Haldar

....for the State.

The writ petition pertains to appointment in the post of Mukhya Samprasarak in Naya Hat MSK, District- Uttar Dinajpur (hereinafter referred to as "said MSK"). The grievance of the petitioner as ventilated by the learned advocate is that the petitioner is having postgraduate qualification therefore while taking decision by the Executive Officer, Goalpokhar-II Panchayat Samity, Chakulia, District-Uttar Dinajpur, instead of respondent no.10 petitioner having postgraduate qualification ought to have been selected for engagement as Mukhya Samprasarak of the said MSK. On behalf of the petitioner attention of this Court has been drawn to page 23 of the writ petition wherefrom it

appears that respondent no.10 is a graduate candidate whereas the petitioner is possessing postgraduate qualification. Therefore it is the contention of the petitioner that petitioner being higher qualified candidate should have been permitted to function as Mukhya Samprasarak.

Petitioner has also challenged the decision of the Executive Officer dated 31st May, 2021 whereby taking note of the resolution of Sikhsa Sanskrit Tathye-O-Krira Sthayee Samiti dated 24th February, 2021 the said respondent no.10 was permitted to function as Samprasarak-in-charge. According to the petitioner as per the relevant norms he being a candidate having postgraduate qualification should have been engaged in the post of Mukhya Samprasarak instead of the said respondent no.10.

Mr. Jahan, learned advocate is representing the Pashim Banga Rajya Sishu Siksha Mission who has submitted that at present the authorities are not taking any steps for filling up the posts of Mukhya Samprasarak in Madhyamik Siksha Kendras in the State.

It has also been submitted on behalf of the Mission that since post of MSK are not being filled up by initiating the selection procedure the

authorities are selecting senior most Samprasarak working in the concerned MSK to act as Samprasarak-in-charge as temporary measure. It has been submitted that accordingly respondent no.10 being the senior most Siksha Samprasarak has been permitted to act as Samprasarak-in-charge

State respondent as well as respondent no.10 are represented by the learned advocates.

It has been submitted on behalf of the respondent no.10 that pursuant to the order of the Executive Officer dated 31st May, 2021 respondent no.10 is presently functioning as Samprasarak-in-charge.

This Court has heard the learned advocates representing the parties and perused the relevant materials available on record.

Since it has been contended on behalf of the petitioner that he should have been appointed as Mukhya Samprasarak in the said MSK instead of respondent no. 10 upon giving credence to the postgraduate qualification which the petitioner is possessing, this Court finds it apt to grant liberty to the petitioner to make a representation to the District Nodal Officer, Uttar Dinajpur, being the respondent no.5, questioning the decision to permit

the respondent no.10 to act as Samprasarak-in-charge ignoring the eligibility of the petitioner to be appointed as Mukhya Samprasarak of the said MSK, within fortnight from date. If such representation is made by the petitioner within the aforesaid time the respondent no.5 shall take a reasoned decision within eight weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner, respondent no.10 and representative of the said MSK. The decision to be taken by the respondent no.5 shall be communicated to the parties within one week thereafter.

At the time of consideration of the issue by the respondent no.5, petitioner shall be at liberty to rely upon all the necessary Government orders and other materials which fortify the case of the petitioner.

The functioning of the respondent no. 10 as Samprasarak-in-charge shall be subject to the decision of the respondent no.5 to be taken pursuant to the direction of this Court based on the representation made by the petitioner as directed above.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Affidavits filed by the parties are taken on record.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)