

08.12.2022
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W.P.A No. 13478 of 2018

With

I.A. No.CAN 1 of 2018

Kazi Mainuddin.

Vs.

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Anindya Bhattacharya,
Mr. Krishna Pada Santra for the petitioner.

Mr. Ranjan Saha
... for the DPSC, Paschim Medinipur.

Mr. Robiul Islam ... for the State.

The writ petitioner has challenged an order dated May 25, 2018 passed by the Principal Secretary, School Education Department, Government of West Bengal.

The petitioner claims to have participated in the selection process for appointment of primary teachers, which was conducted during the period from 1995 – 1996. The petitioner along with 584 similarly situated candidates made a joint representation to the Hon'ble Chief Minister of the State, which, according to Mr. Bhattacharya, was subsequently forwarded to the competent authority. The petitioner claims that he was

entitled to get appointment but was not given appointment to the post of primary teacher.

Mr. Bhattacharya, learned Advocate appearing for the petitioner, submits that a direction may be passed upon the Chairman, District Primary School Counsel, Paschim Medinipur to furnish the marks obtained by the petitioner in such examination.

Mr. Ranjan Saha, learned Advocate appearing for the District Primary School Council, submits that this writ petition is liable to be dismissed on the ground of delay and laches and no direction at this point of time can be passed upon the respondent authority to furnish the marks of the petitioner, who was a candidate participating in the selection process, which was held long back in the year 1995-1996.

It appears from the order dated May 25, 2018 that pursuant to an order dated January 2, 2018, the Principal Secretary after giving an opportunity of hearing to the petitioner passed the order on May 25, 2018. The said order records that the petitioner could not produce any document to substantiate that he was a candidate for the selection process of 1995-1996. He also could not substantiate his claims before the authority. The order passed by the authority is a reasoned one.

It is well-settled that judicial review is not directed against the decision but against the decision making process. After going through the order dated May

25, 2018, this Court does not find any infirmity in the decision making process.

Accordingly, the writ petition fails and the same is dismissed without, however, any order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)