

WPA(P) 277 of 2021

**Mohan Chandra Ari
Vs.
The State of West Bengal & Ors.**

Mr. Soumyajit Mukherjee

... ... for the petitioner

Mr. S. N. Mookherjee, AG

Mr. T. M. Siddiqui

Mr. N. Chatterjee

... ... for the State

The affidavit of service filed by the petitioner is taken on record.

The grievance raised by the petitioner is that Bhuta D.A.V. High School is not a minority institution yet the advertisement for recruitment of assistant teacher dated 28th August, 2021 was issued whereas the post is required to be filled up through the School Service Commission in terms of Section 7(9)(1&2) of the West Bengal School Service Commission Act, 1997.

In support of his submission learned counsel for the petitioner has placed reliance upon the order of learned Single Judge of this Court dated 15th July, 2016 passed in WP 21272 (W) of 2012 in the case of Sahila Khatun versus the State of West Bengal and others.

At this stage it has been pointed out that the petitioner has already filed the representation dated 21.09.2021 before the respondent no.2.

Learned Advocate General has drawn the attention of this Court to the description of respondent no.2 and has submitted that there is no post of Director of School

Education but the competent authority is the Commissioner of School Education. He has fairly stated that the petitioner's representation dated 21.09.2021 can be considered by the Commissioner of School Education, School Education Department.

Hence, we dispose of the present petition by directing the Commissioner of School Education, School Education Department to consider and take an appropriate decision on the petitioner's representation dated 21.09.2021 as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

The petitioner is directed to submit a copy of the representation along with copy of this order before the Commissioner of School Education, School Education Department.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)