

25 16.02.22

Ct. No. 04

Akd

F.M.A. 59 of 2022

CAN 1 of 2021

Sajda Khatoon

Vs.

The State of West Bengal & Ors.

Mr. Jaydip Basu,

Mr. Kaustav Chatterjee,

Mr. Ravi Kumar Sharma.

... for the appellant.

Mr. Supriya Chattopadhyay,

Ms. Iti Dutta.

... for the State.

Ms. Koyeli Bhattacharyya.

... for the Board.

The writ petitioner/appellant applied for the post of Headmistress in Kankinara Urdu Girls High School (HS) having a post-graduate degree with B. Ed. She was found successful in the examination conducted for recruitment to be made to such post and the recommendation was made by the West Bengal School Service Commission for her appointment in the aforesaid school.

However, the West Bengal Board of Secondary Education raised an issue at the time of granting appointment to the post of Headmistress in the said school that she could not produce the degree obtained for B.Ed. course. Since the recommendation envisaged the post-graduate degree with B.Ed., it is ardent duty of the appellant/writ petitioner to produce the certificate for verification before the Board proceeds to issue a letter of appointment.

Without venturing to produce the said document, the appellant/writ petitioner rushed to this Court with a writ petition being WPA 9869 of 2021 for Mandamus to issue a letter of appointment. However, the appellant contended before the Writ Court that the Board never divulged such lacuna and, therefore, there was no occasion to produce the relevant degree

obtained for B.Ed. and it was made known to the appellant at the time of hearing of the writ petition.

We find from the impugned order that the Writ Court proceeded to dismiss the said petition as the aforesaid B.Ed. certificate was not annexed to the writ petition nor any prayer was made to produce the same.

Once the appellant was made aware of such lacuna in course of hearing of the writ-petition, he ought to have sought leave to produce the degree certificate obtained after successfully completing the B.Ed Course instead of allowing the writ Court in proceeding to dispose of the said writ-petition. However, in course of hearing of the instant appeal, we are given an impression that the appellant possesses the degree certificate and, therefore, we granted leave to file supplementary affidavit annexing such certificate.

Let the supplementary affidavit filed today be kept with the record. The supplementary affidavit contains the copy of the degree obtained for B.Ed. course and the learned Advocate appearing for the appellant further submits that the original is also kept with him and can be produced before the Court for verification.

The Court has neither an expertise nor have the requisite qualification to make verification of the genuinity and authenticity of the degree and, therefore, the matter should be relegated to the West Bengal Board of Secondary Education, who are well equipped in this regard.

Since the Board raised an issue that the B.Ed. degree has not been produced, it would be prudent that the appellant should approach the Board and produce the certificate for verification and consequential steps to be taken by the Board

thereupon.

Though we do not find any infirmity in the order impugned, but we feel that substantial justice would be rendered by disposing of the appeal with the following directions:

1. The appellant shall visit the office of the West Bengal Board of Secondary Education on 22nd February, 2022 at 11 a.m. along with all the educational certificates for verification;
2. The concerned officer shall verify the documents to be produced by the appellant and upon recording satisfaction shall immediately take steps to pass appropriate directions so that the appellant/writ petitioner, who has been recommended for such post may join the said post.

We repose confidence in the concerned officer not to unnecessarily delay the process on such fringe issue as the petitioner has lost virtually two years of service.

The appeal being **FMA 59 of 2022** and the connected application being **CAN 1 of 2021** are **disposed of.**

There will be no order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

