

20th January, 2022
(D/L No.13)
(SKB)

W.P.A. 19553 of 2021
(Via Video Conference)

Tapendu Khawas
Versus
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Bikram Banerjee,
Mr. Arkadeb Biswas,
Ms. Dipa Acharyya,
Mr. Suthirtha Nayek
... for the petitioner.

Mr. Sirsanya Bandopadhyay,
Ms. Tapati Samanta
... for the State.

The writ petitioner's case is for a writ in the nature of mandamus on the concerned respondents for considering the petitioner's promotion to the post of Assistant Librarian in the concerned library.

According to learned counsel appearing for the petitioner, the petitioner's representations made on various dates including 22nd August, 2021 and 5th July, 2019 for permission to enhance his qualification for the post aspired for has been rejected by the District Library Officer, Paschim Medinipur.

Learned counsel appearing for the State hands up copies of instructions which are kept on record. Counsel also hands up two notifications dated 6th January, 1987 and 20th November, 2008, the latter being in supersession of the former which provides, *inter alia*, that a Group-D staff can avail of approval for

higher education in Library Science etc. after completing at least five years of continuous service in a sponsored public library. According to the counsel, the petitioner's application made on 22nd August, 2012 is contrary to the notifications relied upon. Counsel also places two documents written by the petitioner on 11th July, 2010 and 22nd August, 2012 are similar in all respects except indicating the intention of the petitioner in future and present tense respectively.

Upon hearing learned counsel, this court is of the view that the challenge in the writ petition is vague and unsubstantiated. The prayer is for a direction on the concerned authorities to consider the case for promotion of the petitioner to the post of Assistant Librarian. However, the case made out in the writ petition is not for considering any representation made by the petitioner but quashing or disregarding a verbal intimation made by the respondent sometime in July, 2019 rejecting the petitioner's application for the post of Assistant Librarian. The alleged rejection is not part of the writ petition and the writ petition contents a specific averment in relation to the verbal communication. Second, the petitioner's application for availing all facilities for higher education in B.A. English was made within five years from the petitioner's date of joining. The petitioner joined on 21st May, 2010 and the first application was made on 22nd August, 2012. This is against the notification dated 20th November, 2008 of

the Mass Education Extension Department, State of West Bengal. Third, it appears from the applications made on 22nd August, 2012 and 11th July, 2010 that the petitioner has not come clean with the application dated 11th July, 2010. Apart from various indicators, the petitioner refers future intention of studying for B.A. English but mentions a registration number in the said letter. This letter appears to be identical to the application of 22nd August, 2012 except for the petitioner indicating that the petitioner has already enrolled for the B.A, English course.

Having found that the petitioner has not been able to make out any case for the prayer sought for, including contravention of the relevant government notifications, the writ petition is found to be without any merit and is dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)