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21.04.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 17612 of 2019
IA No. CAN 1 of 2021**

**Bishwanath Mandal
-versus
State of West Bengal & Ors.**

**Mr. Avishek Prasad,
Mr. Sougata Mitra,
Ms. Ankita Dey.
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mondal.
...For the DPSC, Purulia.**

**Ms. Chaitali Bhattacharjee,
Mr. Kartik Ch. Kapas.
...For the State.**

It has been submitted by the learned advocate appearing for the District Primary School Council, Purulia that the prayer for approval of promotion of the enlisted candidates was erroneously sent to the OSD of the Minister-in-Charge, School Education Department.

It has been submitted that the same ought not to have been done as there is no Rule in support of the same.

The Chairman has forwarded an instruction dated 13th April, 2022 to the learned advocate mentioning that as the approval for head teacher panel has not been received from the office of the Commissioner of School Education, accordingly,

another letter has been issued with request to approve the same.

It appears from the submissions made on behalf of the parties and the documents available on record that the panel of head teacher is awaiting approval at the end of the Commissioner of School Education for a considerable period of time.

It is the high time the Commissioner takes a decision whether the panel may be approved or not.

The Commissioner of School Education is directed to take a decision with regard to the approval of the head teacher panel which was forwarded by the Chairman/Secretary, DPSC, Purulia to the Commissioner of School Education, West Bengal.

A decision shall be taken by the Commissioner strictly in accordance with law, at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The fate of the petitioner shall be communicated to him immediately thereafter.

The Commissioner while taking a decision with regard to the approval of the panel shall keep in mind that the petitioner was eligible for promotion in the year 2015 and his juniors have been promoted prior to a decision being taken with regard to his promotion, though his name was enlisted for promotion way back.

The writ petition and the connected application stand disposed of.

The instruction given by the Chairman/Secretary, DPSC, Purulia dated 13th April,

2022 and the communicating letter bearing memo No. 574 dated 13th April, 2022 written by the Chairman/Secretary, DPSC, Purulia to the Commissioner of School Education be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)