

Court No. 17

WPA 35953 of 2013

06.05.2022

(AD 3)

(S. Banerjee)

Julmat Shaik

Vs.

The State of West Bengal & Ors.

with

CAN 1 of 2013

(Old CAN 12435 of 2013)

Mr. Samim Ahmed
Ms. Saloni Bhattacharjee
Ms. Gulsanwara Pervin
Ms. Ambiya Khatun

... for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

... for the State

In this matter the prayer of the writ petitioner is for a mandamus, particularly upon the respondent nos. 2, 3 and 4, being the Commissioner of School Education, District Inspector of Schools (SE), North 24 Parganas and the Secretary of the Managing Committee of the Agarhati Gourhari Vidyapeeth (H.S.), for taking steps for appointment of the petitioner.

The case, as was submitted by the petitioner and order was recorded on 26th April, 2022 that the matter relates to appointment of Group D staff in a school when it was not under the West Bengal School Service Commission. Prior permission was there, as has been submitted by the petitioner today.

From one affidavit (copy) of Sub-Inspector of Schools of North 24-Parganas in compliance with the

direction of the Hon'ble Court in this matter affirmed on 11.03.2015, it appears that the post of Group D staff, for which the petitioner is contesting, was sanctioned. For filling up the post, advertisement was published. Prior permission was given and on the date of interview 59 candidates were present. This copy of the affidavit has been filed by the Learned Advocate for the state as the original of the same is not found in record of the case and nobody could say if the said affidavit was ever filed. Therefore the copy has been accepted.

Thereafter when the panel was prepared it was found and later declared by this court that the person who was placed in the number one in the panel was an over-aged candidate and his candidature was cancelled by an order of the Division Bench of this court on 13th August, 2013 in FMA 107 of 2010. The person in number one in the panel got his over-age condoned by an order of this court which was set aside by the Division Bench. Ultimately the writ application filed by the number one person in panel was dismissed for default on 10th December, 2019 and no steps was taken for its restoration for last more than two years.

The petitioner is in the second position in the panel which has been specifically pleaded in paragraph 4 of the writ application and which has not been denied by any of the parties despite filing of an affidavit by the State, as has been referred above, on 11th March, 2015.

As the recruitment procedure for recruitment in the post of Group D staff of the school was done legally, as has been affirmed by the State in the aforesaid affidavit, this court finds no impediment for giving appointment to the petitioner, namely Julmat Shaik in the post of Group D in the said school.

Hence, I allow the writ application and direct the respondent nos. 2, 3, 4 and other authorities who should take steps for appointment of the petitioner so that he can join the post within a period of six weeks from the date of communication of this order.

I further direct that no impediment should be created by the authorities for giving appointment to the petitioner by the aforesaid period. If there is some technical difficulties in appointing the petitioner in the said post by six weeks, it has to be done by 10 weeks and this order is mandatory.

With this observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)