

OD-08

ORDER SHEET
WPO/116/2020
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ASHARAM DUBEY
-VS-
THE STATE OF WEST BENGAL & ORS.

BEFORE:
HON'BLE JUSTICE RAJASEKHAR MANTHA
DATE: 19TH JULY 2022.

APPEARANCE:
Mr. A. Bhattacharyya, Adv.; Ms. A. Shaw, Adv., for petitioner.
Mr. S. Datta, Adv.; Mr. D. Sarkar, Adv.; Mr. P. Sinha, Adv., for State.
Mr. T.K. Das, Adv., for the School.

THE COURT: The affidavit-in-opposition filed on behalf of the State is kept on record.

The writ petitioner is aggrieved by the order dated June 3, 2019, passed by the DI of Schools(SE), rejecting his claims for approval as an English teacher in the School.

It appears from the records that all the relevant facts have been considered by the DI. The DI has found that the petitioner's appointment letter does not exist. He might have been inducted on temporary basis in 2002. There are serious discrepancies in

the so called resolutions which the petitioner claims he was appointed by. There are criminal proceedings for tampering of records of the School against the petitioner.

Notwithstanding the above, the DI has found that the sanctioned strength of the teachers in the School is full and the petitioner is an extra teacher. The same is confirmed by the School authorities.

It is further submitted by the School authorities that even the sanctioned strength of the teachers is in excess since the total strength of the students in the School has fallen down and that based on the rules and the facts of the case, the impugned order appears to have been passed.

This Court does not find any infirmity in the impugned order. This Court cannot sit in appeal over the findings of fact arrived at in the impugned order under Article 226 of the Constitution of India.

Having considered the whole matter and having heard the counsel for the parties, this Court is of the view that no relief can be granted to the petitioner. The writ petition is accordingly dismissed by sustaining and upholding the impugned order. There will be no order as to costs.

(RAJASEKHAR MANTHA, J)

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