

**12.09.2023**

Item No.2

Ct. No.7

PG

**W.P.A. 1759 of 2018**

**Uormimala Karfa**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Arup Banerjee.....for the petitioner

Mr. Subir Sanyal

Mr. Ratul Biswas.....for the West Bengal Board of  
Primary Education

Mr. Bhaskar Prasad Vaisya

Mr. Biswarup Biswas.....for the State

1. The petitioner has challenged the order of cancellation of her appointment dated March 28, 2017 issued by the Chairman of Burdwan District Primary School Council (for short 'Council').
2. Mr. Banerjee, learned advocate representing the petitioner submits that the petitioner did not rest her claim for appointment as a Primary Teacher on the ground that she was a Primary Para Teacher. He therefore, submits that the very basis of the order of cancellation cannot be sustained in the eye of law.
3. Mr. Sanyal, learned counsel representing the West Bengal Board of Primary Education (for short 'Board') however, does not dispute such submission of Mr. Banerjee. Mr. Sanyal, however, submits that the petitioner did not pursue Hindi language as a subject in the Senior School

Certificate Examination 2012 and therefore, she was not eligible for being appointed as a Primary Teacher in a Hindi medium school.

4. Heard the learned advocates for the parties and perused the materials placed. After going through the order of the Chairman of the Council dated March 28, 2017, it appears that the only ground on which the appointment of the petitioner as a Primary School Teacher was cancelled was that she was not a Primary Para Teacher.
5. Since it is not in dispute that the petitioner did not claim herself to be Para Teacher at the relevant point of time, the ground on which the appointment of the petitioner was cancelled cannot, therefore, be sustained in the eye of law. Only for such reason, the order dated March 28, 2017 is liable to be set aside and quashed.
6. At this stage, Mr. Sanyal, learned advocate representing the Board submits that the issuance of the appointment letter is only a mere formality and it is based upon the recommendation of the Board. He, therefore, submits that instead of relegating the matter back to the concerned Council, the issue as to whether the petitioner could have been appointed in the Hindi medium school has to be decided by the competent authority of the Board.

7. Mr. Sanyal, learned advocate representing the Board submits that the post of Secretary is at present lying vacant and the functions of the Secretary are now being performed by the Deputy Secretary of the Board. As prayed for by Mr. Banerjee, leave is granted to the petitioner to add the Deputy Secretary of the Board as a party/respondent in this writ petition.
8. Since the Board is being represented through its learned Counsel, no copy of the writ petition is required to be served upon the Deputy Secretary of the Board. However, the learned advocate for the petitioner shall be obliged to serve a copy of the amended cause title upon the learned advocates representing the respective parties by September 13, 2023.
9. In the light of the aforesaid observations, W.P.A. 1759 of 2018 is disposed of by directing the Deputy Secretary of the Board being the added respondent no. 9 to this writ petition to consider the issue with regard to appointment of the petitioner in MAMC Township Hindi Free Primary School and decide the same by passing a reasoned order and communicate the same to the petitioner within four weeks from the date of receipt of server copy of this order.
10. There shall be however, no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(HIRANMAY BHATTACHARYYA, J.)**