

09.10.2023
Item No. 31
Crt.No.22
b.r.

WPA 3133 of 2015

Jayshree Das
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtiaz Uddin
..... for the petitioner

Mr. Pinaki Bhattacharyya,
.... For the resp. nos. 1 to 3.

Mr. Ekramul Bari, learned counsel, appears for the petitioner.

Mr. Pinaki Bhattacharyya, learned counsel appears for the respondent nos. 1 to 3.

Drawing attention **annexure P-1 at page 16** to the writ petition, Mr. Bari submits that on **June 19, 2008** a prior permission was issued by the respondent no.3 for appointment of a **Clerk** against a permanent vacancy. The post was reserved for **Scheduled Caste (SC), second stage**. Following the said prior permission an advertisement was published in the newspaper dated **October 30, 2008** by the relevant school authority **annexure p-2 at page 17** to the writ petition. The relevant school authority then prepared the panel and sent it for approval before the **respondent no.3** way back on **December 29, 2009 annexure p-3 at page 18** to the writ petition.

The respondent no.3 then rejected the panel by its impugned decision dated **August 17, 2020 annexure p-4 at page 19** to the writ petition with the following observation:-

“This is to inform you that her payer cannot be considered for the present at the papers submitted therein are not in order as per rules the then prevailing.

As such the school authority may be requested to follow the rules to that effect now prevailing. No.697-ES./s/18/08 dated 9-07-2009.”

Mr. Pinaki Bhattacharyya, learned State counsel appears for the respondent nos. 1 to 3.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that the impugned order dated **August 17, 2010 annexure p-4 at page 19** to the writ petition is **cryptic**. The impugned order is totally silent as to the alleged non-performance of obligations on the part of the relevant school with regard to the non-compliance of any rules, if at all. The order is non-speaking.

Considering the above, the said impugned order dated **August 17, 2010 annexure p-4 at page 19** to the writ petition stands set aside and quashed.

To sub-serve justice, the respondent no.3 is directed to re-visit on the issue on the basis of the existing materials

on record before it on the basis whereof the impugned order dated **August 17, 2010** was passed by passing a reasoned order strictly in accordance with law.

While passing the reasoned order, the respondent no.3 shall consider all the provisions and the said prior permission granted by the District Inspector of Schools and then decide the issue on the basis of the existing materials before him as directed above.

The entire exercise shall be carried out and completed by the **respondent no.3** positively within a period of **four weeks** from the date of communication of this order.

The respondent no.3 then shall communicate its reasoned order to the school authority and the petitioner within a further period of **two weeks** from the date of the said reasoned order to be passed.

With the above terms and directions, this writ petition **WPA 3133 of 2015** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)