

24.07.2023

Ct. 35
Sd. 46.

WPA 3432 of 2009

Kakaly Panja
vs.
State of West Bengal & Ors.

Mr. Ekramul Bari ..For the petitioner.

Petitioner is represented though no one is appearing for the respondent authorities.

Petitioner is aggrieved with Annexure P-6, i.e., letter of the Headmaster of Shanpur Netaji Subhas High School, Dasnagar, Howrah-711 105 dated 15.12.2008 rejecting permission to the petitioner to enhance her qualification.

Mr. Bari who is representing the petitioner is very candid on the point that the impugned letter is de hors the settled provisions of law and cannot be sustained.

He has relied on a judgment of the Division Bench of this Court reported in 2013 (4) CHN (Usha Subham Mondal vs. State of West Bengal), in support of his contention.

He submits that respondents shall have no power, as determined by the Court in the said verdict, to reject her prayer for enhancement of qualification. Mr. Bari has prayed for setting aside of the letter dated December 15, 2008 (Annexure P-6).

No doubt, it is a settled law that an individual cannot lawfully be rejected permission to enhance

his/her qualification and record the same in the service book at a subsequent point of time, from the date he/she has entered into service. The judgment of the Court as mentioned above is envisaging the point categorically and finally.

Under such circumstances, the impugned letter of the Headmaster of Shanpur Netaji Subhas High School, Dasnagar, Howrah-711 105 dated 15.12.2008 shall be de hors the provisions of law and can not sustain. Hence, the same is set aside.

It is worth noting, however, that with efflux of time the facts of the case has taken a new turn of which the petitioner is not made any subsequent affidavit to incorporate the same. This prompts the Court to grant liberty to the petitioner to make a comprehensive representation incorporating all the facts subsequent to filing of this writ petition for due consideration of the respondent authority, i.e., respondent no. 3 in the present writ petition, if any, may be made within a period of four weeks from the date of this order and shall be expeditiously disposed of by the respective authority, in accordance with law.

With this direction, writ petition is disposed of.

(Rai Chattopadhyay J.)