

Item-46. 05-09-2023

sg Ct. 8

FMA 980 of 2022
CAN 1 of 2022

Dipak Kumar Maiti
Versus
The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri, Adv.
Mr. Arijit Prodhan, Adv.

...for the appellant

Dr. Sutanu Kr. Patra, Adv.
Ms. Supriya Dubey, Adv.

...for the WBCSSC

Mr. Bhaskar Prasad Vaisya, Adv.
Mr. Gourav Das, Adv.

...for the State

1. The appellant is aggrieved by the order dated 28th February, 2022. In the writ petition, he has made a prayer for recommending his name as Headmaster in his own school. This was rightly rejected by the learned Single Judge as for the post of Headmaster, he has to appear for another Regional Level Selection Test, when it would be held and when he would be eligible, his case could be considered as Headmaster. He has been presently working as an Assistant Teacher.
2. The Court, in our view, has rightly observed that the Commission cannot recommend the petitioner in his own school as Headmaster as has been indicated in their two representations made. The petitioner has no right to claim appointment as Headmaster in his own school.
3. In this appeal, a different new case has been made out and has sought to be argued. It is contended that the appellant is physically handicapped and he may be accommodated in a nearby school. This issue was not raised before the learned

Single Judge.

4. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.
5. The appeal fails. The appeal and the connected application are, thus, dismissed. However, there shall be no order as to costs.
6. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)