

Ct. 12.05
No. 2023
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W.P.A. 7357 of 2022

Sankar Prasad Bhattacharyya
-Versus-
State of West Bengal & Ors.

Mr. Gazi Faruque Hossain
Ms. Priyanka Mondal ...For the Petitioner

Ms. Sanghamitra Nandy
Mr. Bhaskar Chakraborty ...For the State Respondents

Md. Sarwar Jahan
Ms. Mousumi Mitra
Mr. Sumit Naskar ...For the Mission Director,
Paschim Banga Rajya
Shishu Shiksha Mission

In response to an advertisement made by the Madhyamik Shiksha Kendra, namely, Jagulipara M.S.K. inviting applications from the eligible candidates to engage a Samprasarak in Language Group, the petitioner and other candidates made applications for the same.

The petitioner complains that in violation of the guidelines the Managing Committee of the said Shiksha Kendra appointed one Sri Ajoy Kumar Nayak after holding an interview on 12th October, 2003. As regards such illegal engagement, the petitioner made complaint with the Additional District Magistrate (ZP). Ultimately, the petitioner challenging the engagement of Sri Nayak preferred a writ petition being W.P. 1284 (W) of 2001, which was disposed of by a learned Single Bench on 13th January, 2017 directing the Authority of the Madhyamik Shiksha Kendra to comply with the direction as communicated to it by the Additional District Magistrate (ZP) vide Memo dated 19th March 2010.

Thereafter, Sri Ajoy Kumar Nayak by filing an application sought for recalling of the order passed by the

learned Single Bench. But, the application made by him was dismissed by a learned Single Bench.

Aggrieved by such order of dismissal, Sri Nayak preferred a Mandamus appeal being MAT 1485 of 2018, but the appeal preferred by him was dismissed by a Division Bench on 25th November, 2019.

Despite such orders passed by this Court, the petitioner has not yet been engaged as Samprasarak in the Shiksha Kendra by the concerned Authority.

The Additional District Magistrate (ZP) referred the case of the petitioner to the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission for a decision, but to no effect.

Learned counsel for the petitioner submits that since the matter awaits the decision from the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, the Court may direct the Mission Director to decide the matter expeditiously.

Having heard the learned Counsels appearing for the parties and on consideration of the documents on record I feel that the writ petition may be disposed of by passing the following order.

The petitioner is directed to make a comprehensive representation to the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission within a period of fifteen days from date. After receiving the representation the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, shall consider and dispose of the representation of the petitioner

by a reasoned order upon giving an opportunity of hearing to the petitioner and other person or official, if any, within six weeks from the date of receipt of the said representation.

While he will consider the representation, the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, shall bear in mind the orders passed by this Court from time to time in the aforesaid writ petition and the Mandamus appeal.

Once the order is passed, the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, shall communicate the order to the petitioner within seven days from the date of passing the order.

With the aforesaid directions the writ petition stands disposed of.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the parties on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)