

28-04-2023
Item No.4
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.9596 of 2023
Indrajit Mondal
-vs-
State of West Bengal & Ors.

Ms. Debjani Sengupta	
Mr. Abhijit Chatterjee	
Ms. Shalina Haque	
Ms. Koyel Bag	...for the petitioner
Mr. Tapan Kumar Mukherjee	
Ms. Debdooti Dutta	...for the State
Mr. S.S. Arefin	...for the school

The case of the writ petitioner is as follows. The Principal/Secretary of a school, namely Lighthouse for the Blind, published a vacancy notification inviting applications for the post of warden for Boys Hostel and the required qualifications were mentioned therein. Since the school authority kept a drop box for collecting the applications, the petitioner submitted his application in the drop box. But, he was not called for the interview.

The petitioner alleges that he worked as a casual staff in the workshop of the school for more than three years, but he was not provided with the experience certificate by the school authority. The petitioner states that for the aforesaid post for Boys' Hostel, a written test was held on September 14, 2022 and after interview, the selection committee prepared a panel. The panel is now awaiting approval from the Director, Mass Education Extension, Government of West Bengal.

The petitioner further alleges that as per notification dated April 20, 1995 issued by the Mass Education Extension Department, Government of West

Bengal, the school authority was to requisition names of eligible candidates from the employment exchange, but the school authority violated this notification.

The petitioner's contention is that though his candidature deserves to be considered by the school authority, he was denied to participate in the selection process.

Learned counsel for the petitioner submits that since his client has made out a strong prima facie case, interim order of stay in terms of prayer (f) be granted.

On the other hand, learned counsel for the State submits that in view of a catena of decisions of the Hon'ble Supreme Court, recruitment of any post of any Government authority or organisation should be made after publishing the advertisement in newspaper and electronic media.

Learned counsel for the school authority submits that since the petitioner did not furnish the experience certificate which was essential qualification to be appointed as a warden of the school, the application of the petitioner was not considered by the school authority.

In reply, learned counsel for the petitioner submits that her client has averred in the writ petition that he worked for more than three years in the workshop of the school, but the school authority did not provide the experience certificate to him.

It appears that ventilating his grievances the petitioner sought relief from the Director of Mass Education Extension by making a representation dated October 30, 2022 (Annexure P5, p.34) through his learned counsel. But the grievances have not been addressed by the authority concerned.

Having heard learned counsels for the respective parties and on consideration of the documents on record, especially the representation dated October 30, 2022, I feel that the writ petition may be disposed of by passing the following order.

The second respondent – the Director, Mass Education Extension, Government of West Bengal – is directed to consider and dispose of the petitioner's representation dated October 30, 2022 by a reasoned order, after giving an opportunity of hearing to the petitioner or his authorised representative or any other interested person, within two weeks from the date of communication of this order. The decision once given shall be communicated to the petitioner within one week thereafter.

It is made clear that the second respondent shall not give any effect to the panel till the communication of the petitioner's representation is made.

With the above, the writ petition stands disposed of. No order as to costs.

Since no affidavit is called for, the averments made in the writ petition are deemed not to be admitted by the respondents.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J.]

