

**08.05.2023**

Item No.6

Ct. No.1

PG/KS

**W.P.A.(P) 206 of 2023**

**Sovan Mukherjee**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Sovan Mukherjee

.....Petitioner (in person)

Mr. Samrat Sen, Ld. A.A.A.G.

Mr. Sirsanya Bandyopadhyay

Mr. Arka Kumar Nag

.....for the State

1. In this writ petition filed by the petitioner in person seeks to challenge the appointment of a Chief Administrative Officer of the West Bengal State Council of Technical and Vocational Education and Skill Development.
2. The petitioner would submit that in the cause title, the description of the Chief Administrative Officer has been wrongly mentioned and the words “Human Rights Commission” should be deleted. The petitioner seeks to question the appointment of the Chief Administrative Officer, which was issued on 23<sup>rd</sup> February, 2021 by the Government of West Bengal by virtue of a notification. The only ground on which the said appointment is being challenged by contending

that the said person is not an officer in the rank of a Joint Secretary. In the writ petition in paragraph VI, the petitioner admits that the said Chief Administrative Officer is getting pay equal to the rank of a Joint Secretary by way of Career Advancement Scheme and not by promotion. This, according to the writ petitioner, will make the candidate ineligible to hold the post of Chief Administrative Officer. Firstly, the notification was issued in the year 2021 and the officer has been functioning. The petitioner has not noted the purpose for which Career Advancement Scheme is implemented and if it is a fact that the candidate has been granted the benefit of a Career Advancement Scheme, then the candidate will not suffer any disqualification. In any event, the candidate has not been impleaded by name in the writ petition.

3. That apart, the grievance of the writ petitioner appears to be against a notification issued by the West Bengal State Council of Technical and Vocational Education and Skill Development dated 16<sup>th</sup> March, 2023. The writ petitioner refers to a newspaper report stating that two students were caught with mobile phones and F.I.R. has been lodged against them for using illegal means in the examination.

4. According to the writ petitioner, F.I.R. could not have been lodged. Unfortunately, the notification dated 16<sup>th</sup> March, 2023, which has been issued to all the examinees clearly provide that students with mobile phones are strictly prohibited from entering the examination centre. That apart, it has been mentioned that if any student is found carrying mobile phone or any other communication device inside the examination hall, the same will be confiscated and the student must be marked as R.A. and also an F.I.R. has to be lodged at the local police station against the said student.
5. Thus, it appears that the writ petitioner is attempting to canvass the case of the errant students, which cannot be permitted and we find that there is no public interest involved in this writ petition.
6. Accordingly, the writ petition is dismissed.
7. There shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T. S. SIVAGNANAM)**  
**ACTING CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**