

24.07.2023
Item No.26
Court No.18
AJ.

W.P.A. 11185 of 2023

Sri Paran Chandra Roy
-Vs-
The State of West Bengal & Ors.

Mr. Dilip Kumar Saha,
Ms. Dhriti Das.
.....for the petitioner.

Mr. Sirsanya Bandyopadhyay,
Ld. Junior Standing Counsel,
Mr. Rahul Kumar Singh.
.....for the State.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

Mr. Rahul Kumar Singh, files the instruction of
the District Inspector of Schools (S.E.), District :
Bankura, the respondent no.3 herein, let it also be kept
with the record.

The Authority of Budhanpur K.K. High School,
District: Bankura upon approval of the respondent no. 3
initiated the selection process to fill up the post of Clerk
of the said school.

A panel was prepared on the basis of the selection
test. The petitioner was the no. 1 candidate in the said
panel.

The no.2 candidate of the said panel challenging
the legality and propriety of the selection of the petitioner
filed a writ petition being WP 27464(w) of 2006 on the
ground that the petitioner being a member of the
Managing Committee of the said school is not entitled to
participate in the said selection process.

The said writ petition was disposed of by an order
dated February 05, 2007 whereby the respondent no. 3
was directed to decide the said issue in accordance with
law after giving opportunity of hearing to the parties.

The respondent no. 3 by his order dated February 15, 2008 disposed of the said referred issue holding that though the petitioner tendered his resignation from the Membership of the Managing Committee of the school but the panel was not prepared before acceptance of the said resignation, as such the name of the petitioner should not have been included in the panel.

The respondent no.3 by the said order further directed the School Authority to prepare a panel to fill up the vacancy of the post of Clerk of the said school from the same set of candidates.

The decision of the respondent no. 3 was challenged by the said no. 2 candidate of the said panel in a writ petition being W.P No.6746 of 2008 which however was dismissed for default on July 20, 2022.

The petitioner is now complaining that the School Authority has not taken any steps in terms of the said order of the respondent no. 3 dated February 15, 2008.

At present there is no scope for consideration of the prayer of the petitioner inasmuch as the entire selection process in the Group- C post of the Schools is governed by the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009.

In view of such position of the matter, W.P.A. 11185 of 2023 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)