

24.08.2023
SL No.130
Court No.8
(gc)

**MAT 848 of 2023
CAN 1 of 2023**

**Mintu Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Anindya Sunder Das,
Mr. Shaunak Ghosh,
Mr. Sukanta Das,
Mr. Mansaram Mandal,
...for the Appellant.
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
...for the W.B.B.P.E.
Mr. Supriyo Chattopadhyay,
Mr. Gourav Das,
...for the State.

1. The appeal is arising out of an order dated 10th April, 2023 in a writ petition commanding the respondents to issue appointment letter to the post of teacher in a primary school in favour of the writ petitioner. The dispute arose with regard to the authentication of the screen shot of the grievance status report. The School Education Department filed an affidavit before the learned Single Judge in which the following facts have been stated:-

“4. i) The School Education Department, Government of West Bengal is not having any system in place which allows any person like the petitioner to submit any offline application in any prescribed format for redressal of

grievances from the end of this Department.

ii) There is a Nodal Officer in the School Education Department for addressing the grievances registered in the centralized portal of State Government and this is a centralized online system and the School Education Department is not having any independent system as such.

iii) Any application/prayer/petition addressed to any authority of the School Education Department is dealt with in the manner as provided in the Secretariat Manual and the scope of getting information of the online status of such application/ prayer/ petition is not available.

5. It is humbly stated that the allegations/and/or contentions made in paragraphs 10 and 11 of the writ petition are false and baseless as much as the document as annexed in Annexure P/4 is fake one since there is no such 'FORM-G' issued by School Education Department. Apart from this, the Acknowledgement Slip does not bear any signature/endorsement of the Receiving Section, School Education Department. The grievance status as annexed herewith lacks authenticity since there is no such portal for lodging any grievance and getting information of its status. A Certificate to this effect has already been issued on 03.02.2023.

Xerox copy of the said certificate dated 03.02.2023 is annexed herewith and marked as Annexure R/ 1. ”

2. The Joint Secretary, Elementary Branch who has affirmed the affidavit has specifically stated that the allegations are totally false. The petitioner filed an affidavit taking exception to the said report and has called for the expert's opinion to settle the dispute.
3. We are of the view that the nature of the dispute cannot be conveniently decided in this proceeding. Moreover, in view of the contention raised on behalf of the Education Department, we are not inclined to exercise the discretionary jurisdiction.
4. Accordingly, the appeal and the application stand dismissed. There shall be no order as to costs.
5. However, this order shall not prevent the appellant to establish its claim otherwise in a proper court of law.

(Uday Kumar, J.)

(Soumen Sen, J.)