

24.08.2023
Item No.05
RP
Ct. No.7

WPA 11744 of 2022
Namita Dhali
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Gorachand Samanta
... for petitioner

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for West Bengal Board of Primary Education

Mr. Arindam Chattopadhyay
Mr. Lipika Chatterjee
Mr. Soumik Dey
... for State

1. The petitioner claims to be working as a Samprasarak at Rathtalapara MSK under Tehatta-I Panchayat Samity, Nadia with effect from December 29, 2009. Pursuant to the direction of the District Nodal Officer, Nadia petitioner got herself registered in D.El.Ed course through National Institute of Open Schooling (for short "NIOS"). The petitioner's prayer for appointment as Assistant Teacher in a primary school was not acceded to on the ground that she does not possess the certificate of D.El.Ed. Learned advocate appearing for the petitioner has drawn the attention of the Court to the marksheet issued by NIOS wherefrom it appears that the petitioner has

acquired the requisite training qualification conducted by the said authority. The learned advocate for the petitioner also produces a photocopy of the certificate issued by NIOS in Court today wherefrom it appears that the petitioner has successfully completed the diploma in elementary education. A photocopy of the certificate issued by NIOS is kept on record.

2. Since the petitioner's prayer for appointment as an Assistant Teacher in primary school was not allowed at the relevant point of time for want of training certificate and such issue has been resolved at present, the question would arise as to whether the petitioner can now be appointed as an Assistant Teacher in a primary school within the jurisdiction of Nadia District Primary School Council (for short "Council"). Therefore, it has to be ascertained whether there is any vacancy and also whether the petitioner can be appointed in any of such available vacancy.
3. Mr. Chattopadhyay, learned advocate representing the Council files a report dated August 10, 2023 indicating the vacancy position. After taking specific instruction from the Secretary of the Council Mr. Chattopadhyay submits that a post of an Assistant Teacher at Panditpur Namasudra Primary School is lying vacant under Sadar-I

Circle, P.O. Dhubulia, District-Nadia and the petitioner can be appointed as an Assistant Teacher in the said school. A photocopy of the report filed in Court today is kept on record.

4. Mr. Ratul Biswas, learned advocate representing the Board submits that the appointment is to be made by the Council and the Board has no role to play in this regard.
5. In view of the report dated August 10, 2023 and the submission made by the learned Advocate for the Council, this Court directs the Chairman, Nadia District Primary School Council, being the 11th respondent, to issue appointment letter in favour of the petitioner to the post of Assistant Teacher at Panditpur Namasudra Primary School as expeditiously as possible but positively within a period of four weeks from the date of receipt of the server copy of this order. The appropriate authorities will take consequential steps once appointment is made by the Chairman of the council in terms of this order.
6. With the above direction, the writ petition stands disposed of.

(HIRANMAY BHATTACHARYYA, J.)

