

14-06-2023
Item No.9
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.13144 of 2023
Jakir Hossain Gharami
-vs-
The State of West Bengal & Ors.

Md. Kutubuddin ...for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha ...for the State

Mr. Sudarshan Ghosh ...for respondent no.8

The writ petition states that he was appointed as a peon in a Madhyamik Shiksha Kendra (MSK) namely Monirtat Madhyamik Shiksha Kendra, South 24 Parganas on July 25, 2010 by virtue of a resolution adopted by the managing committee of the said Shiksha Kendra. While inspection was conducted by the District Level Inspection Team, he worked there as a peon and his name figured in the list of teaching and non-teaching staff. Despite his name appeared in the inspection report, the authority concerned did not approve his appointment. In the year 2013, the secretary of the managing committee of the said MSK told him that since his appointment was not approved, he was not required to discharge his duties in the said MSK.

The petitioner alleges that from a reliable source he came to learn that the appointment of one Sirajul Haque Gazi, the private respondent in this writ petition, has been approved by the authority concerned, but though he worked in the said MSK over a considerable length of time, he was not paid any honorarium. However, as usual, on some occasions he comes to the school to discharge his

duties. The petitioner by making a representation to the authority concerned sought to approve his appointment, but to no effect.

Learned counsel representing the petitioner submits that his client's name figured in the inspection report as a clerk in the said MSK, but his name was not considered by the authority concerned for approval of the appointment. Learned counsel also submits that similarly circumstanced a clerk being the private respondent in the said MSK has been approved in 2011.

Mr Vaisya, learned Additional Government Pleader representing the State, submits that the authority concerned, after scrutinising the relevant papers, did not consider the petitioner's name for according approval to his appointment.

On the other hand, learned counsel for the private respondent submits that since his client was appointed properly, the appointment of his client was approved by the authority concerned.

Having heard learned counsels for the respective parties and on perusal of the documents on record, I feel that the writ petition may be disposed of by passing the following order.

The writ petitioner is allowed to submit a comprehensive representation to the fifth respondent – the District Officer for Minority Affairs and Nodal Officer, South 24 Parganas – within a fortnight from date.

If submitted, the fifth respondent shall consider and dispose of such representation by a reasoned order, after giving an opportunity of hearing to the petitioner, the

secretary of the said MSK and any other interested persons, if any, within eight weeks from the date of receipt of it. The decision once made shall be communicated to the petitioner within a week thereafter.

With the above, WPA No.13144 of 2023 stands disposed of. No order as to costs.

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]