

17.02.2023

WPA 16151 of 2022

Court : 22
Item : 23
Matter : WPA
Status : FAILS
Transcriber: nandy

Madhumita Ghosh Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Sayan De, Advocate
Mr. Kaustav Shome, Advocate
Mr. Sayan Kanjilal, Advocate

.....for the Petitioner

Mr. Supriyo Chattopadhyay, Advocate
Ms. Sayantani Bhattacharya, Advocate

.....for the State

Mr. Sanjay Kumar Baid, Advocate

.....for the Respondent No. 4

The petitioner claimed to be working as an Assistant Teacher on *ad hoc* basis at **Nirmal Hriday Ashram Girls' High School**, District – **Paschim Midnapore**. In 2021, the School published advertisement seeking five permanent teachers. The petitioner since working there for a substantive period, applied in terms of such advertisement. The petitioner's candidature was rejected by the relevant School Authority. The petitioner was not called for the interview by the relevant School Authority. The petitioner applied under the Right to Information Act seeking the reason for not selecting her for interview.

From annexure P-6 at page 19 to the writ-petition the relevant School by its communication dated July 1, 2022 informed the petitioner that since the petitioner did not submit the relevant documents in support of her qualification, at the threshold the petitioner came disqualified to be considered on her application.

Mr. Sayan De, learned Advocate appearing for the petitioner submitted that the petitioner has an

excellent credibility with a long-standing teaching ability for which the School Authority should have granted the petitioner an opportunity for being considered as a permanent teacher. By not granting the same the relevant School Authority has violated the valuable right of the petitioner.

Mr. Supriyo Chattopadhyay, learned Senior Counsel appearing for the State-respondent nos. 1, 2 and 3, submitted that the selection process has already been completed and closed since long.

Mr. Sanjay Baid, learned Counsel appearing for the Respondent No. 4, submits that successful candidates were already approved long back by the School Authority for the post of permanent teacher.

After considering the submissions made on behalf of the appearing parties and upon perusal of the materials-on-record, this Court is of the firm view that the petitioner was disqualified at the threshold since she could not furnish the relevant documents in support of her academic career, which was a mandatory requirement for applying for such post. Such mandatory pre-requisite not being followed, this Court is of the opinion that the candidature of the petitioner had been rightly rejected by the School Authority. Since the selection process has already been completed and the teachers are appointed at the relevant School, this Court finds no reason to interfere with the decision of the School Authority.

Accordingly, the writ-petition being **WPA 16151 of 2022 fails**, without any order as to costs.

Since no affidavit has been called for, the allegations made in the instant writ-petition, are deemed not to have been admitted by the respondents.

(Aniruddha Roy, J.)