

05.07.2023
DL-56
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20899 of 2022

Durjodhan Quila
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh

....for the petitioner.

Mr. Sumit Ray

....for WBSEDCL.

The writ petitioner has prayed for compassionate appointment since his father died-in-harness on August 30, 2018, being an employee of the West Bengal State Electricity Distribution Company Limited (WBSEDCL). The petitioner submitted a transfer certificate in support of his educational qualification.

On behalf of WBSEDCL a document dated October 27, 2021 has been produced to show that the petitioner's name though mentioned in the admission register, there was no serial number against the student and no marking in respect of the class in which he was admitted. The student's name was inserted between serial no.2691 and serial no.2692 of the admission register at page 251. The student's details were written in black ink pen and there was no signature of the head of the institution.

Therefore, the Transfer Certificate relied on by the petitioner purportedly issued by Amrit Bharati Vidyabhaban was not relied upon by WBSEDCL.

By directions of this Court, the Headmaster, Amrit Bharati Vidyabhaban was brought on record. Not only the petitioner and the respondents tried to contact the said private respondent no.5 this Court through its Registry also communicated the intention of this Court upon the private respondent no.5. The private respondent no.5 was directed to file a report on affidavit on the issue whether the petitioner was successfully passed Class-VIII. Despite repeated service by the Registry of this Court and the parties, the respondent no.5 has not appeared.

In view of the serious disputed questions of fact, this Court is of the view that a writ Court is not the appropriate forum for agitation of the same.

WPA 20899 of 2022 is disposed of.

However, it is made clear that it will be open to the petitioner to agitate his grievance before the appropriate forum, if so advised.

Additional report filed on behalf of WBSEDCL is retained with the records.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

(Lapita Banerji, J.)