

Item-45. 10-10-2023

MAT 1674 of 2023
CAN 1 of 2023

sg Ct. 8

The Chairman, District Primary School Council, Malda
Versus
Dev Ranjan Ghosh & Ors.

Mr. Shamim ul Bari, Adv.
...for the appellant
Mr. Debabrata Karan, Adv.
Ms. Sabita Khutia (Bhunya), Adv.
Mr. Debopriyo Karan, Adv.
...for the writ petitioner
Mr. Bhaskar Prasad Vaisya, Id. AGP
Mr. Ranjan Saha, Adv.
...for the State

1. The appeal is arising out of an order dated 25th July, 2023 in connection with a writ petition in which the writ petitioner alleged that he was deprived of his promotion to the post of Head Teacher of a primary school on the ground that he could not produce the original employment exchange card, although he had all the requisite formalities and had produced all the relevant documents.
2. Admittedly, the employment exchange of Purba Malda recommended his name as trained candidate to Uttar Dinajpur District Primary School Council and Malda District Primary School Council. On the basis of the call letter he joined the school on 10th July, 1996 and thereafter, with the no objection certificate issued by the Chairman, District Primary School Council, Uttar Dinajpur, he was appointed as an Assistant Teacher in a primary school on 31st January, 2001.
3. He was due for the post of Headmaster on 1st October, 2007 but that was kept in abeyance due to his failure to produce

the original employment exchange card. He made repeated representations and ultimately, it appears that Chairman, District Primary School Council, Uttar Dinajpur informed the Chairman, District Primary School Council, Malda by his Memo no. 784 dated 15th July, 2016 that the above employment exchange card was submitted to the employment exchange office when he was appointed as Assistant Teacher to the Council.

4. It, however, transpires that the writ petitioner initially appointed in Uttar Dinajpur on 10th July, 1996 and thereafter by a fresh recruitment process being initiated by the Malda District Primary School Council in which he participated and no objection was issued by the Uttar Dinajpur District Primary School Council on the basis of such recruitment process, he got appointment on 31st January, 2001.
5. We are at a loss to appreciate the reason for production of the original employment exchange card when his case was being considered on 1st October, 2007 as the respondent should have been in possession of all the required documents and records to verify the credentials of the petitioner. By reason of such serious laches and inept handling the matters, he was deprived of the post of Headmaster and the financial benefits attached to it.
6. We could not find any satisfactory explanation from the learned counsel for the appellant for requirement to submit the employment exchange card once it is established that he was appointed on 10th July, 1996 in Uttar Dinajpur and thereafter in Malda on 31st January, 2001 on the basis of no

objection certificate issued by the District Primary School Council, Uttar Dinajpur.

7. Under such circumstances, we do not find any reason to interfere with the order passed by learned Single Judge save and except, we reduce the cost to be paid to the petitioner for harassment and compensation to Rs.1,00,000/- to be paid within a period of four weeks from date. All other directions shall remain unaltered.
8. The appeal is partly allowed. The appeal and the connected application are accordingly, disposed of.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.
10. The letter dated 7th November, 2017 from the writ petitioner to the Chairman, District Primary School Council, Malda is kept with the record.

(Uday Kumar, J.)

(Soumen Sen, J.)