

P.A.
30.06.2023

**MAT 1615 of 2022
with
IA No. CAN 1 of 2022**

Arnab Bandyopadhyay

**-Versus
State of West Bengal and others.**

**Mr. Rabiul Islam
Mr. Raju Mondal
..... for the appellant.
Mrs. Chaitali Bhattacharya
Mr. Kartick Chandra Kapas
..... for the State.
Mr. Sandip Kumar De
Mr. Abhijit Sarkar
Mr. Abhik Chitta Kundu
..... for the Resp. Nos.
6, 7 and 8.
Mr. Partha Banerjee
... For the petitioner in
WPA 9843 of 2021.**

Party/ Parties is/are represented in the order of their name/names as printed above in the cause title.

The instant appeal has been filed by the appellant against the Judgement and Order dated 20.9.2022 passed in the WPA No. 15031 of 2022.

Through the impugned order the Hon'ble Single Bench has dismissed the prayer of the appellant/writ petitioner seeking a direction, commanding the respondents to rescind, cancel and withdraw the order of dismissal dated 22.10.2019 and further prayer to resume his duty as Librarian in the school namely, Dayananda Vidyalaya.

The appellant herein was the writ petitioner and the respondents herein were the respondents in the writ petition.

The fact of the instant lis is that the appellant/writ petitioner namely Arnab Bandopadhaya joined the respondent school namely Dayananda Vidyalaya situated at Asansol within the district of Paschim Burdwan as a Librarian in the HS section on probation for 1 year. The Additional District Inspector of Schools (S.E.) (in short ADI) approved the appointment of the writ petitioner and also passed order of retention. On 22.10.2019 the Secretary of the said school in question sent a letter of dismissal to the appellant/writ petitioner conveying the resolution of the Managing Committee of the school wherein it was unanimously resolved to dismiss the said appellant writ petitioner from service of the said school, having found the degree for Library Science of the appellant writ petitioner to be fake, against which the appellant writ petitioner has approached the Hon'ble Court.

The Ld. Counsel appearing on behalf of the appellant has submitted that he has completed his Bachelor of library and information science from Mats University in June-July 2013 and thereafter the petitioner applied for appointment to the post of librarian in the said school. He has further submitted that the appellant writ petitioner participated in a selection process and

being successful he was appointed as librarian in the HS section of the said school on probation for a period of 1 year. The Ld. Counsel has further submitted that the ADI of the said school had approved the appointment of the appellant writ petitioner. He has further submitted that the appointment of the petitioner was confirmed after completion of 2 years of completing of service. He has further submitted that the present Managing Committee after taking charge raised a number of vague allegations against the petitioner with an ulterior motive to remove him from the post of librarian and with such ulterior motive a show cause notice dated 12.9.2019 was issued stating as to why legal action will not be initiated against the appellant writ petitioner as because as per the verification report of the Global Open University, Nagaland the certificate of BA in Library and Information Science was found to be fake. He has further submitted that all of a sudden the Secretary of the said school served the order of dismissal. Ld. Counsel appearing on behalf of the appellant/ writ petitioner has further submitted that the appellant had never pursued his course from the Global university on the contrary the appellant had pursued his course from the MATS University Raipur. The Ld. Counsel has further submitted that the appellant never submitted the mark-sheet of Global Open University Nagaland to the aforesaid school. In fact he submitted his mark-sheet of the MATS

University. Ld. Counsel has further submitted that out of grudge the allegations have been leveled against the appellant/writ petitioner. As such he prays for reversal of the Judgement passed by the Hon'ble Single Bench.

The Ld. Counsel appearing on behalf of the School-in-question has submitted that the appellant writ petitioner has played fraud by producing fake certificate of the Global Open University, Nagaland and in this regard criminal proceedings have been initiated. He further submitted that the appellant writ petitioner has come up with a new submission that he pursued his course from MATS University Raipur and not from Global Open University, Nagaland. Banking upon the aforesaid facts and circumstances, he has prayed for dismissing the instant appeal.

The Ld. Counsel appearing on behalf of the State submitted that the District Inspector of School Paschim Burdwan has stated that the school in question has been running under the special Rules of 1973 and the Government has no role in selection process and/or administrative process.

Considering the submissions of the Ld. Counsels and after perusal of the documents that is the testimonials furnished to the school authority by the appellant writ petitioner it is eminent that the appellant /writ petitioner had furnished several testimonials said to be of the Global Open University Nagaland. The denial

by the appellant/writ petitioner as regards to the said testimonials is not at all tenable.

A report issued by the controller of examinations of the Global Open University, Nagaland, has stated about the status of the role number which has been mentioned by the appellant writ petitioner to be fake.

As regards to the question of defect in procedure adopted by the school authority it is fact that show cause notice to the appellant /writ petitioner dated 12.9.2019 had been issued by the said authority to which the appellant writ petitioner had not responded but had sought for time.

As regards to the verification report of the Global Open University, Nagaland their two letters have stated that the certificate of BA in Library and Information science has been found to be fake.

In addition to the above facts the submission of the appellant writ petitioner that he never pursued his course from the Global Open University, Nagaland but had pursued the course from the MATS University Raipur puts the last nail on the coffin.

These facts reveal that the appellant/ writ petitioner has not approached the Court in clean hand which is the first and foremost requirement for obtaining justice.

Considering the aforementioned scenario this Court is of the view that the appellant/writ petitioner is not entitled to the reliefs sought for.

Thus the impugned order dated 20.9.2022 requires no intervention.

The instant appeal being **MAT 1615 of 2022** with **IA No. CAN 1 of 2022** stands **dismissed**.

(SUPRATIM BHATTACHARYA, J.)

(SUBRATA TALUKDAR, .J)