

January 24, 2023  
Sl. No.22  
Court No.1  
s.biswas

WPA (P) 518 of 2022

*Ananto Dhara*  
Vs.  
*The State of West Bengal and others*

Mr. Saheb Banerjee, Advocate  
... for the petitioner  
Mr. Amitesh Banerjee, Sr. Standing Counsel  
Ms. Ipsita Banerjee, Advocate  
... for the State  
Mr. Pallav Chatterjee,  
Mr. Tanweer Jamil Mandal, Advocates  
... for the respondent Nos.5 & 6  
Mr. Suman Banerjee, Advocate  
... for the respondent No.9

In this public interest petition the allegation is that the respondent No.9 was appointed as Teacher-in-Charge of Konarpara Nimno Buniyadi Vidyalaya, Konarpara, Memari, Purba Bardhaman in the year 2017. Further allegation is that the said respondent has committed various irregularities and certain allegations have also been made in respect of the conduct of respondent No.9. The alleged mass complaint dated 13.09.2021 made to the respondent No.6 (The Chairman, District Primary School Council, Purba Bardhaman) has been enclosed with the petition with the grievance that the complaint has not been considered. In this background a prayer has been made in this petition to set aside the appointment of the respondent No.9 and also to take action against the said respondent.

Learned counsel for the State has informed that in the meanwhile another teacher has been

appointed as Teacher-in-Charge in the said school and respondent No.9 had filed a petition challenging that order and the said petition has been dismissed in default.

Learned counsel for the respondent No.9 has submitted that the respondent No.9 has no objection in handing over the charge of Teacher-in-Charge to the newly appointed teacher without prejudice to her rights in the petition already filed. He has denied the allegations which have been made against him.

On perusal of the petition, we find that it is purely a service matter where a public interest petition cannot be maintained especially when no writ of quo warranto has been sought.

Hence, in view of the judgment of the Hon'ble Supreme Court in the matter of *Madan Lal versus High Court of Jammu and Kashmir and others* reported in 2014 (15) SCC 308, we are not inclined to entertain the present public interest petition, which is accordingly dismissed. However we leave it open to the concerned parties to agitate their grievances before the appropriate forum in accordance with law.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**