

**05-04-2023**  
Item No.8  
**Subrata**  
**Bhattacharyya**

**IN THE HIGH COURT AT CALCUTTA**  
Constitutional Writ Jurisdiction  
Appellate Side

**WPA No.28178 of 2022**  
**Arun Santra**

**-vs-**

**The State of West Bengal & Ors.**

Ms. Mousumi Bhowal  
Mr. Ishan Bhattacharya ...for the petitioner

Mr. Rezaul Hossain ...for the State

Md. Sarwar Jahan  
Ms. Mousumi Mitra  
Mr. Asif Mehdi  
Mr. S.N. Thander ...for respondent no.7

The petitioner was engaged as a Samprasarak in the subject History in Guafala Madhyamik Siksha Kendra (MSK), Paschim Medinipur on July 31, 2003. Thereafter, his engagement was renewed from time to time. In the month of September 2013, one Nandadulal Bhunia, who was Samprasarak in-charge of the said MSK, retired and the petitioner, who was then senior to Nandadulal, expected that he would be engaged as the Samprasarak in-charge in place of Nandadulal in the said MSK. Instead of him, the administrative committee of the MSK engaged one Khudiram Bhunia, the ninth respondent, as the Samprasarak in-charge of the MSK in September 2013.

After the ninth respondent took charge as the Samprasarak in-charge of the MSK, the wife of the petitioner by filing an application under the Right to Information Act sought an information from the authority concerned about the reasons of engagement of the private respondent no.9 as Samprasarak in-charge of the MSK, instead of her husband. The petitioner came to know that

the administrative committee engaged Khudiram instead of the petitioner for the reasons that there were some allegations against him.

Thereafter, the petitioner came to know that by virtue of a Government Order dated 27<sup>th</sup> May 2019, the administrative committee would engage a Samprasarak as the Mukhya Samprasarak or Samprasarak in-charge on the basis of seniority in service in the concerned MSK. The petitioner submits that the executive officer of the concerned panchayat samiti by a letter dated July 29, 2019 asked the petitioner to submit an application for the purpose of engaging Samprasarak in-charge. Accordingly, the petitioner submitted an application on August 2, 2019. Despite that, the engagement of the petitioner as a Samprasarak in-charge was not considered in favour of him by the concerned administrative committee. Under such circumstances, the petitioner by way of this writ petition seeks directions upon the concerned respondent authorities so that he, being the senior-most Samprasarak, be engaged as the Samprasarak in-charge of the concerned MSK.

Learned counsel appearing for the petitioner as well as learned counsel appearing for the Mission Director, Paschim Banga Rajya Sishu Siksha Mission have referred to an order dated May 29, 2019 issued by the Panchayats & Rural Development Department, Government of West Bengal, which prescribes the mode of selection for Samprasarak in-charge.

The order dated May 27, 2019, inter alia, enjoins as under:—

“Now, it is hereby ordered that the new Mukhya Shiksha Samprasarak/ Samprasarika in-charge or Samprasarak/Samprasarika in-charge will be selected by the Administrative Committee out of the working

Samprasarak/Samprasarika on the basis of seniority in service of MSK.

In the time of selection, the preference will be given who have already B.Ed degree.

In case of more than one Samprasarak/ Samprasarika having the same qualification, preference will be based upon the marks in Graduation level.”

Having heard learned counsels appearing for the respective parties and on consideration of the documents on record, especially the Government Order dated 27<sup>th</sup> May 2019, I feel that the writ petition may be disposed of by passing the following order.

The petitioner is allowed to make a comprehensive representation to the District Nodal Officer, Paschim Medinipur, within a fortnight from date.

After the representation is received, the District Nodal Officer shall consider and dispose of the same by passing a reasoned order, after giving an opportunity of hearing to the petitioner and the private respondent, in the light of the Government Order dated 27<sup>th</sup> May 2019 issued by the Panchayats & Rural Development Department, Government of West Bengal, within six weeks from the date of receipt of representation. The order once passed shall be communicated to the petitioner within a week thereafter.

With the above directions, WPA No.28178 of 2022 stands disposed of. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J.]

