

Ct. 30.01
No. 14 2023
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W.P.A. 28294 of 2022

Anushri Ghosh
-Versus-
The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri
Mr. Rajesh Naskar **...For the Petitioner**

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee **...For the State Respondents**

Mr. Tapodip Gupta
...For the Respondent No.7

The respondent Nos. 1 and 2 file a report in the form of affidavit. The respondent No. 7 also files a report in the form of affidavit. Let the reports be kept on record.

Affidavit of service filed by the respondent No. 7 with regard to service of a copy of the report upon the petitioner be kept on record.

The petitioner files reply to the reports filed by the aforesaid respondents.

The writ petitioner applied for the post of 'Assistant Teacher' (General Category) of a school namely Baidyapur Bikash Bharati Protibondhi Kalyan Kendra in response to an advertisement published in one Bengali daily and another in English daily on 2nd December, 2019. The petitioner appeared before the Selection Committee for interview on 25th February, 2020. It is alleged by the petitioner that though she appeared before the Selection Committee in February, 2020 the concerned authority has sat tight over the matter and no publication of result of the recruitment process has yet been made. Under such circumstances, the petitioner by preferring this writ petition has sought for, inter alia, the following reliefs:

“b. a Writ of and/or in the nature of Mandamus be issued by directing the concerned respondent authorities herein to immediately grant appointment and approval to the petitioner to the post of assistant Teacher in General Category in Baidyapur Bikash Bhrarati Protibondhi Kolyan Kendra pursuant to the employment notice dated November 29, 2019 within stipulated period of time forthwith;

c. A Writ of and/or in the nature Mandamus be issued by directing the concerned respondent authorities herein to immediately conclude the recruitment process if not already completed and publish the final panel of successful candidates along with all details including the cut off and highest marks, marks obtained by all candidates along with breakup of marks in each round as prepared by the Selection Committee pursuant to the recruitment process for Assistant Teacher (General Category) in Baidyapur Bikash Bharati Protibondhi Kolyan Kendra in connection with Employment Notice dated November 29, 2019 forthwith;

d. A Writ of and/or in the nature Mandamus be issued by directing the concerned respondent authorities herein to immediately consider and dispose of the representations made by the petitioner upon grant of opportunity of hearing and pass a reasoned order by appointing the petitioner to the post of Assistant Teacher (general Category) in Baidyapur Bikash Bharati Protibondhi Kolyan Kendra upon being successful on merit forthwith;

e. A Writ of and/or in the nature Mandamus be issued by directing the respondents each of them to certify and transmit to this Court all records including the final panel of successful candidates along with the score sheet of all candidates duly prepared by the Selection Committee with breakup of marks in each round and the entire record of the recruitment process before this Hon’ble Court so that

*conscionable justice may be rendered to the petitioner;
and*

g. To pass an interim order by directing the concerned respondent authorities to keep the post of assistant Teacher (General Category) vacant in Baidyapur Bikash Bharati Protibondhi Kolyan Kendra and not to fill up the same and/or not to create any third party interest prejudicial to the right of the petitioner till the disposal of the instant writ application and/or till the recruitment process is concluded forthwith.”

After hearing the learned counsels appearing for the parties this Bench by order dated 22nd December, 2022 directed the State respondents as well as the School Authority to file report in the form of affidavit disclosing therein the final panel of successful candidates, score sheet of all candidates and break-up of marks in each round as prepared by the Selection Committee pursuant to the recruitment process for the aforesaid post of Assistant Teacher by 11th January, 2023, exception thereto, if any, by 17th January, 2023. In compliance of such direction the aforesaid respondents file the reports.

It appears from the reports submitted by the respondent Nos. 1 and 2 and the respondent No. 7 that the Selection Committee has prepared a panel of Assistant Teacher (General Category) for the said school.

As I find, the petitioner Anushri Ghosh tops the panel for appointment to the post of Assistant Teacher (General Category).

Learned Counsels for the respondent Nos. 1, 2 and 7 submit that if this Court directs the concerned authority to issue appointment letter and approval of appointment of the

petition, there will have no demur on their part.

Learned Lawyer for the petitioner accedes the submissions of the learned Lawyers appearing for the answering respondents.

Having heard learned counsels appearing for the respective parties and on consideration of the reports as above, I feel that the writ petition may be disposed of by passing the following order.

The respondent No. 8, the Managing Committee, Baidyapur Bikash Bharati Protibondhi Kolyan Kendra is directed to issue letter of appointment through the teacher-in-charge of the school and send it to the respondent No. 2, the Director, Mass Education Extension Directorate, Government of West Bengal within fifteen days from date. On receiving the letter of appointment, the respondent No.2 shall approve the appointment within fifteen days from the date of receipt of the letter of appointment. After the appointment is approved, the concerned authorities shall send the letter of appointment to the petitioner immediately thereafter so that she can join her duties as an Assistant Teacher (General Category) of the school without any delay.

With the aforesaid directions the writ petition 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.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)