

15 16.8.2023
Sc Ct. no.22

WPA 10670 OF 2020

Smt. Mousumi Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Saibal Acharya

....For the petitioner

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das.

.... For the State

The petitioner after qualifying the relevant selection process was appointed for the post of Assistant Teacher at one ***Nakkati High School (H.S.), District – Coochbehar, Annexure – P3 at page 19*** to the writ petition. ***The petitioner chose not to join the said school since 2019.*** The Letter of Appointment was dated ***December 10, 2019.*** The petitioner resides at ***Kharagpur.*** The school where the petitioner received appointment was ***about 900 Kilometer from the residence*** of the petitioner. The petitioner made a ***representation dated January 20, 2020, Annexure – P4 at page 20 to the writ petition.*** The petitioner annexed medical documents ***Annexure-P5 at page 21 to the writ petition.*** The petitioner claimed an appointment near to her residence as she has to look after her family also. The husband of the petitioner claimed to be an Assistant Teacher posted at Kharagpur.

Mr. Biswabrata Basu Mallick, learned Additional Government Pleader appeared (through virtual mode) for the respondent nos. 1, 2 and 4.

Considering the submissions made on behalf of the parties and considering the materials on record this Court is of the firm view that, the grounds shown by the petitioner in her representation dated **January 20, 2020, Annexure –P4 at page 20 to the writ petition** are neither sufficient nor tenable but flimsy and without any valid and cogent reason as prescribed under the law. The appointment and posting of an Assistant Teacher is the discretion of the Selection Authority.

No illegality or irregularity found on the part of the appointing authority while giving appointment to the petitioner at the relevant school.

It is to be also noted that, the petitioner has not joined the relevant school. No equity can be bestowed upon the petitioner. The law shall take its own course in the facts of this case. The petitioner shall not be entitled to claim any benefit for not joining the school at which the petitioner was appointed.

The writ petition is totally devoid of any merit, misconceived, frivolous and a harrasive litigation.

The State authority shall be free to take steps as it will deem fit and proper in its wisdom on the issue in accordance with law.

With the above observations this writ petition, **WPA 10670 of 2020** stands dismissed without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)