

16-02-2023
Item No.24
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.11858 of 2020
Bandita Mahata
-vs-
The State of West Bengal & Ors.

Mr. Samiran Mandal
Mr. S.C. Dhara
Mr. Nitish Samanta ...for the petitioner

Ms. Chaitali Bhattacharya
Mr. Mrinal Kanti Ghosh ...for the State

The writ petitioner was engaged as a para-teacher of Santhali language in Ol-Chiki script in Thakurthan P.B. School, Jhargram, Paschim Medinipur. Initially, her engagement was for one year. Subsequently, her engagement was extended up to three years on the basis of her satisfactory performance. The District Project Officer, Paschim Medinipur by a memo dated April 30, 2015 directed the Circle Project Co-ordinator to send a report of any primary para-teacher of Santhali language and Ol-Chiki script whose contract would expire within the period from April 2015 to June 2015. On July 7, 2015 the District Project Officer, Sarva Siksha Mission, Paschim Medinipur asked the petitioner to appear in the interview on July 16, 2015, to test her knowledge in Santhali language and Ol-Chiki script. Thereafter, by a memo dated August 21, 2015 the petitioner was informed by the District Project Officer, SSM that her engagement as para-teacher in Ol-Chiki could not be extended further.

Aggrieved by the order of the District Project Officer, the writ petitioner by way of a writ petition

being WP No.25584(W) of 2015 sought directions so that she might continue as a para-teacher in the Ol-Chiki scribe in the said school.

By an order dated November 30, 2015, a learned single Judge of this court disposing of the said writ petition set aside the impugned order of rejection and directed the authority concerned to initiate a fresh selection process in terms of ratio laid down in Ashok Kumar Yadav (supra) and Abhijit Dey (supra) in the event the authorities were of the view that they required personnel for such post. But since then no step has been taken by the authority concerned to allow the petitioner to continue her engagement as a para-teacher.

Hence, the writ petitioner by filing this writ petition seeks the following reliefs:-

- “a) A writ in the nature of Mandamus commanding the respondents and their men and agent to initiate a fresh selection process for engagement of Ol-Chiki/Santhali Para-Teacher in Thakurthan P.B. School in the District of Paschim Medinipur immediately without causing any further delay.
- b) A writ in the nature of Mandamus commanding the respondents and their men and agents to re-engage the petitioner as Para-Teacher in Thakurthan P.B. School under Manikpara Circle in the District of Paschim Medinipur.”

Admittedly, the petitioner was engaged as a para-teacher in the aforesaid subject initially for one year and her engagement was extended for three years. Ultimately, by the memo dated August 21, 2015 her engagement was not extended, rather came to an end. Undisputedly, the petitioner, feeling aggrieved by the aforesaid memo, filed WP No.25584(W) of 2015 challenging the aforesaid memo. The co-ordinate Bench by its order dated November 30, 2015 set aside the said

memo. As I find, the learned single Judge by his order directed the authorities to initiate a fresh selection process if they required personnel for such post in the light of the decisions in the case of **Ashok Kumar Yadav** reported in (1985) 4 SCC 417 and in the case of **Abhijit Dey** reported in 2006 (6) SLR 499.

From the report by way of affidavit filed by the fourth respondent, I find that the District Project Officer, SSM by a memo dated July 20, 2016 sought necessary instructions from the State Project Director, Paschim Banga, Sarva Siksha Mission regarding further engagement of the petitioner in terms of the order dated November 30, 2015 passed in WP No.25584(W) of 2015.

But from the report submitted by the State authority, I do not find any document wherefrom it will be found that any decision has been taken on the basis of the communication dated July 20, 2016 made by the District Project Officer, SSM addressed to the State Project Director.

It is submitted on behalf of the petitioner by referring to pages 7-9 of the exception to the report that though there are many students of the said primary school, but that there is no teacher in Santhali language and in Ol-Chiki script in the said school.

Having heard learned counsels for the respective parties and on consideration of the documents annexed to the writ petition, I am of the view that the writ petition may be disposed of by passing the following order.

Accordingly, the petitioner is directed to make a comprehensive representation to the third respondent –

the Project Director, Paschim Banga Samagra Siksha Mission, Kolkata – ventilating her grievances as stated in the writ petition, within a fortnight from date.

If approached, the third respondent shall consider and dispose of the petitioner's representation by a reasoned decision giving opportunity of hearing to her in the light of the order passed in WP No.25584(W) of 2015 and the communication dated July 20, 2016 issued by the District Project Officer, Sarva Siksha Mission, within eight weeks from the date of submitting the representation. The decision once given shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction, WPA No.11858 of 2020 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.]

