

ML 3
02.07.2024
Ct. No. 18
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W.P.A. 529 of 2022

**Budhaddeb Roy
Vs.
The State of West Bengal & Ors.**

Ms. Ambiya Khatun
Mr. Enamul Islam
...for the petitioner
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Petitioner participated in the selection process namely 1st State Level Selection Test 2016 Upper Primary for being appointed as an assistant teacher in a Government aided high school, in upper primary section. Petitioner was required to appear before the Grievance Committee on 13th August, 2021 for consideration of the candidature of the petitioner which according to the petitioner, could not be complied with since he was indisposed. In support of such contention one medical certificate dated 14th August, 2021 is annexed to this writ petition in order to satisfy this Court that the reason behind petitioner's absence on 13th August, 2021 was his illness. It is also submitted that an application was made on 24th December, 2021 before the concerned authority of the West Bengal Central School Service Commission for

providing the petitioner second chance to deliberate before the Grievance Committee.

The prayer made in this writ petition is opposed by the learned advocate representing the Commission since it has been pointed out that as per the direction of the Hon'ble Court the candidate was required to appear before the Grievance Committee on 13th August, 2021 failing which the candidate needs to approach the concerned authority of the Commission within reasonable time for giving the petitioner second chance to deliberate before the Grievance Committee.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record it appears that petitioner was required to appear before the Grievance Committee on 13th August, 2021. According to the petitioner due to illness he could not appear before the Grievance Committee on the fixed date and time, though in support of such illness a medical certificate dated 14th August, 2021 has been annexed but there is nothing on record which goes to show that with the said medical certificate the concerned authority of the Commission was approached in time to provide second chance to the petitioner to deliberate before the Grievance Committee. An application was made dated 24th December, 2021 which is precisely 4 (four) months after the date fixed for hearing by the Grievance Committee seeking second opportunity to deliberate before the Grievance Committee.

but when such application was received by the Commission cannot be ascertained from the documents annexed to this writ petition.

In view of aforesaid scenario this Court refuses to interfere with this writ petition.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)