

03.07.2024
Court No. 18
Item No. 17 (ML)
(Suvendu)

WPA 2874 of 2022

Benoy Das & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Syed Mansur Ali
Mr. Intiaj Uddin
.....for the petitioners

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
.....for the WBCSSC

Affidavit of service filed on behalf of the petitioners is taken on record.

Petitioners since participated in the selection process viz 1st SLST 2016 (Upper Primary) for being appointed in the post of Assistant Teacher in a Government aided school in upper primary section, in terms of the order of the Hon'ble Court they were required to appear before the Grievance Committee of the West Bengal Central School Service Commission for consideration of their candidatures.

It has been submitted by the learned advocate for the petitioners that they were not served with notice intimating the date of hearing of the Grievance Committee as a result thereof

they could not remain present before the Grievance Committee on 17th August, 2021. It is also submitted that due to their absence the decision of the Grievance Committee went against them. Petitioners pray for rehearing by the Grievance Committee upon fixing a date.

State respondents and the West Bengal Central School Service Commission are represented by the learned advocates.

On behalf of the Commission prayer of the petitioners is opposed since it has been specifically submitted that no candidate similar to the petitioners was served with notice for appearance before the Grievance Committee since notice was uploaded on the official website of the Commission and copy of such intimation is annexed to this writ petition at page 58. It is also submitted that after the date fixed for hearing by the Grievance Committee on 17th August, 2021 for the first time petitioners made representation on 24th January, 2022 for getting opportunity to make deliberation before the Grievance Committee. Therefore, on the ground of delay in making representation, according to the Commission, the writ petition needs to be dismissed.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on records, it appears that for appraisal of candidatures of the petitioners, petitioners were required to make deliberation before the Grievance Committee of the Commission. Accordingly, the Grievance Committee fixed 17th August, 2021 being the date of hearing and such date of hearing was uploaded on the website of the Commission.

From a document at page 58 of this writ petition it further appears that name of the petitioner no. 1 is appearing against serial no. 2025 and the petitioner no. 1 was asked to appear before the Grievance Committee on 17th August, 2021 at 1.30 p.m. Similarly, other petitioners were also asked to appear before the Grievance Committee on a particular date and time. All the petitioners did not appear before the Grievance Committee on the fixed date but contemporaneously they did not pray for fixation of another date for hearing by the Grievance Committee.

First representation was made on 24th January, 2022 on behalf of the petitioner no.1

praying for fixation of a date for hearing on the ground that the notice was not served upon him.

Since it has been submitted on behalf of the Commission that no notice was served upon any candidate intimating date of hearing and the notice was uploaded on the website of the Commission, the ground which is taken for rehearing by the Grievance Committee cannot be countenanced.

In addition thereto, the representation for rehearing was made precisely four months after the date fixed for hearing which goes to show that petitioners were not serious in perusing their relief as sought for in this writ petition.

Another aspect needs to be taken into consideration, as submitted on behalf of the Commission, that approximately fifteen thousand candidates appeared before the Commission based on the intimation which was uploaded on the website of the Commission.

In view of the aforesaid scenario, this Court is not inclined to pass order permitting the petitioners to appear before the Grievance Committee at this belated stage.

Accordingly, the writ petition is dismissed.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)