

14.05.2024.
Court No.13
Item No. 1
ap

W.P.A. No. 5661 of 2023

**Ms. Soma Hazari
Versus
The State of West Bengal & Ors.**

Mr. Goutam Dey,
Ms. Dipanwita Ganguly,
Ms. Ankita Ghosh.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya.

...For the DPSC, North 24 Pgs.

Mr. Supriyo Chattopadhyay, Id. AGP,
Ms. Iti Dutta.

..For the State.

1. Supplementary affidavit filed in Court today be taken on record.

2. The petitioner participated in the recruitment process to the post of Assistant Teacher conducted by the North 24 Parganas District Primary School Council in the year 2006, examination whereof was held in the year 2010. She was sponsored by the Employment Exchange in Scheduled Caste Category.

3. Her candidature was considered after examination was held but she did not feature in the panel. She approached this Court for the first time in 2012 by filing W.P. No. 4744 (W) of 2012 making a twofold claim—

(i) That the Bal Sevika Certificate issued by Bal Sevika Training Institute, Hooghly District Council for Child Welfare must be considered

equivalent to Primary Teacher Training/Junior Basic Training; and

(ii) she possesses a certificate issued by the Calcutta University that she represented it in Kabaddi. She should therefore get marks for extracurricular activities.

4. Based on the above, she claimed that she was entitled to be recruited. The writ petition was dismissed on 16th April 2012.

5. The petitioner preferred an appeal against the said order being F.M.A. No. 1094 of 2012 which was disposed of by an order dated 6th May, 2016. The respondents were directed by the Division Bench to reply to the representation of the petitioner dated 7th December, 2011.

6. The respondents did so by a communication dated 9th August, 2017 stating that her certificates were insufficient.

7. She approached this Court for the third time with W.P. No. 828 (W) of 2018 which was disposed of by an order dated 5th February, 2018 once again directing the respondents to reconsider the case of the petitioner for awarding of marks of co-curricular activities.

8. The representation was considered by an order dated 30th May, 2018 whereby it was held that Kabaddi Certificate issued by the Calcutta University was not valid as the recruitment notice required one

issued by the West Bengal School Sports Association. The petitioner's representation was rejected.

9. The writ petitioner filed the fourth proceedings being W.P. No. 3175 (W) of 2019 challenging the order dated 30th May, 2018. The said writ petition was dismissed by an order dated 11th February, 2020. The petitioner took out the fifth proceedings being M.A.T. No. 387 of 2020 against the order dated 11th February, 2020 (supra). The said appeal was disposed of on 10th November, 2021 in principle refusing to interfere with the order dated 11th February, 2020. However, the respondents were directed to once again reconsider the claims of the petitioner.

10. The said claim was considered again by the Chairman, District Primary School Council, North 24 Parganas and rejected on 23rd December, 2021, inter alia, holding that petitioner's Bal Sevika Certificate was not recognized as it was issued by the Bal Sevika Training Institute which was a mere NGO. The Kabaddi Certificate was not issued by the West Bengal School Sports Association and hence, the petitioner's candidature could not be considered.

11. The instant writ petition is the sixth proceeding taken out by the writ petitioner.

12. This Court finds that the petitioner has abused the process of Court despite her claim for recognition of her Bal Sevika Certificate and Kabadi Certificate having been rejected on valid grounds.

13. This Court finds absolutely no reason to interfere with the impugned order dated 23rd December, 2021 or to reopen a recruitment process completed in the year 2010 after fourteen years and only because the petitioner has been persistently filing the writ petitions and appeals.

14. In those circumstances, W.P.A. No. 5661 of 2023 shall stand dismissed with costs assessed at Rs.7,500/- (Rupees seven thousand and five hundred only) payable by the petitioner to the District Primary School Council, North 24 Parganas.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)