

13.06.2024.
Court No. 13
Item No. 55
ap

W.P.A. No. 8821 of 2023

**Nirupama Das
Versus
The State of West Bengal & Ors.**

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das.

...For the DPSC, South 24 Parganas.

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

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner participated in the selection process for the post of Assistant Teacher conducted by the District Primary School Council, South 24 Parganas in the year 2006. The process was completed in the year 2021.
3. The petitioner approached this Court earlier by way of W.P. No. 36666 (W) of 2013 whereby a Co-ordinate Bench of this Court had directed the Chairman, District Primary School Council, South 24 Parganas to consider the petitioner's case.
4. The Chairman, District Primary School Council, South 24 Parganas did so consider and passed an order dated 28th February, 2014 holding that the petitioner secured 43.722 marks in the OBC Category.

The last recruited candidate in the OBC Category secured 43.794, so the petitioner was held disentitled to appointment.

5. Counsel for the petitioner, however, submits that by a communication dated 8th February, 2017, the Chairman, District Primary School Council, South 24 Parganas asked her to appear and submit testimonials on 14th February, 2017 at 11:00 A.M. The petitioner did so.

6. The Chairman, District Primary School Council, South 24 Parganas has not responded to the petitioner.

7. Counsel for the DPSC, South 24 Parganas submits that the petitioner may have been called by mistake. He further submits that the mistake occurred in view of the decision of the Hon'ble Supreme Court of India and the Division Bench of this Court in A.S.T. No. 351 and 352 of 2016 (Apurba Chakraborty – Vs. – The State of West Bengal) directing the persons who filed the writ petitions up to a particular date to be called for selection.

8. Be that as it may, since the petitioner has been called on 8th February, 2017 to appear on 14th February, 2017 and submit testimonials, let fresh order be passed by the Chairman, District Primary School Council, South 24 Parganas on the entitlement of the petitioner under the recruitment process of the

year 2006 within a period of one month from the date of communication of a copy of this order along with a copy of the writ petition.

9. It is made clear that this Court has not entered into the merits of the rival claims of the parties.

10. Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted by them.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. 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.)