

09.07.2024
Sn/sl.11
Ct. no.25

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

WPA 8362 of 2011

**Meena Ghosh (Chowdhury)
Vs.
The State of West Bengal & Ors.**

Mr. Sudip Sarkar
Mr. L.M. Sarkar
Mr. Krishna Pada Santra
..for the petitioner
Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
..for the State
Mr. Shamim Ul Bari
Ms. Asmita Mitra
..for the respondent no.8

The writ petitioner is aggrieved with the process of recruitment-2011. The private respondent is the appointee, having been successful in the said process.

The petitioner is aggrieved that there has been improper and illegal process of recruitment undertaken, to recruit the private respondent who has not got the adequate qualification for the post.

The petitioner alleges that the private respondent is not qualified with the knowledge of typing, which is the essential qualification, for appointment to the post. He submits that the representation of the writ petitioner to ventilate such grievance, that is dated April 11, 2011 has not yet been considered and is pending before the

Additional District Inspector of Schools (SE) North 24 Parganas. He seeks that necessary directions be made for due consideration of the same, after hearing the grievance of the parties concerned.

Mr. Shamim Ul Bari, learned advocate is representing the private respondent. He has raised objection as to the maintainability of the writ petition on the ground that the writ petitioner being an unsuccessful candidate in the process, could not have afterwards challenged the legality and propriety of the process. He has further submitted that the writ petitioner is also not eligible to maintain the present writ petition for the reason that he has not come to the Court with clean hands. Allegedly he has suppressed the fact and misled the Court by stating that he has been an empanelled candidate, after conclusion of the process, whereas the fact is otherwise. That the writ petitioner has never been empanelled.

Two panels have been produced by the respective parties, which are inter se different. There is no input as regard this, from the respondent State. Also that, the representation of the petitioner as mentioned above, is pending before the concerned authorities. Accordingly, this Court finds it proper to dispose of the writ petition with the following directions:-

(i) The Additional District Inspector of Schools(SE)

North 24 Parganas is directed to dispose of the

petitioner's application dated April 11, 2011 after granting an opportunity of hearing to the petitioner, the private respondent, and any other person/persons, as it may deem fit and proper and by dint of a reasoned order.

(ii) The entire exercise as above shall be completed, within a period of four weeks from the date of communication of a copy of this order.

It is made clear that no points in the writ petition on merits are considered by this Court, while delivering this order. All the other relevant points are kept open, for the concerned authorities to consider at the time of hearing.

Let a copy of the writ petition along with its annexures be served in the office of the concerned authorities, for the purpose, as above, with the copy of this order.

Hence, the writ petition being **WPA 8362 of 2011** is disposed of.

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

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)