

13.06.2024
Court No.13
Item No.41
AP

**WPA 9604 of 2022
With
IA NO: CAN 1 of 2023**

**Samapika Sardar Makhal
Vs.
The State of West Bengal & Ors.**

Mr. Priyabrata Batabyal
Mr. Jayanta Das

... For the petitioner.

Mr. Supriya Chattopadhyay
Mr. Arindam Ghosh

... For the State.

1. The petitioner challenges the order dated 11th October, 2018 passed by the District Inspector of Schools pursuant to a direction dated 19th December 2017 passed by a coordinate Bench of this Court in WP 4987(W) of 2017.

2. The school has produced an order dated 17th April, 2018 indicating that there were no records in the school as regards the petitioner's appointment. There was no advertisement in the newspaper. The Management Committee has not constituted any selection committee nor any interview taken place. No Expert Panel has been created by the Managing Committee. No documents were submitted to the office of the DI. The resolution book of the Managing Committee was forged and the appointment of the petitioner was inserted subsequently in the resolution that too with a different ink.

3. This Court has seen a copy of the resolution book produced by the State. The impugned order, therefore, does not call for any interference. However, this Court is surprised to see the subsequent communication of the management of the school dated 3rd February, 2020, two years after the original letter dated 17th April, 2018, where every document appears to have been found. There is however no document from the school constituting a Selection Committee.

4. The documents produced along with the writ petition are clearly an afterthought and are most likely manufactured once again subsequently.

5. The writ petition is utterly dishonest and is gross abuse of process of law.

6. Accordingly, the writ petition is dismissed with costs assessed at Rs.10,000/- payable to the State Legal Services Authority.

7. In view of the dismissal of the main writ petition, connected applications, if any, shall also stand dismissed.

8. The instruction of the State dated 18th March, 2024 is taken on record.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)