

WPA 8291 of 2009

**Pradip Mondal
Vs.
The State of West Bengal & Ors.**

**Mr. K.M. Hossain,
Mr. Kazi Ardan Ali.
... for the petitioner**

**Mr. Biswabrata Basu Mallick, Id. A.G.P.
Mr. Sanjib Das.
... for the State**

1. The writ petitioner is aggrieved that in spite of being a successful and empanelled candidate, in the recruitment process of non-teaching staff, in the year 2008, the panel has not yet been approved by the respondent District Inspector of Schools, Secondary Education, North 24 Parganas/respondent no. 3.
2. In the present writ petition, which was filed by the petitioner back in the year 2009, Mr. K.M. Hossain, learned counsel appearing for the petitioner, has sought for an order that respondent no. 3 may be directed for consideration and approval of the panel, so prepared.
3. Mr. Biswabrata Basu Mallick, learned Additional Government Pleader is representing the State. He has raised strong objection as to the contentions and prayer of the writ petitioner, on the ground that the panel, if any at all, has been prepared after conclusion of the process of recruitment, back in the year 2008. The same should have been expired maximum within one year thereafter. Hence, after lapse of the prolonged time period from the date of

publication of the panel, the petitioner's prayers as above, may not have substance any further.

4. It is submitted that Mr. Basu Mallick, is yet to receive information from the concerned respondent, as regards the current state of affairs in the matter.
5. Heard the submissions and perused the materials on record.
6. The writ petitioner's name was sponsored by the employment exchange for the post of a 'clerk' in the respondent/school and his name was empanelled as a successful candidate in the said process, being in the first position therein. However, the said panel has never been approved by the respondent No. 3/District Inspector of Schools (Secondary Education), North 24 Parganas.
7. In view of the facts and circumstances of the case and in consideration of the submissions made on behalf of the respective parties, the Court is of considered opinion that there is no material available before it, to either find that the panel has been approved or that approval thereto has been cancelled by the respondent no. 3, at any point of time. It shall not be improper to say that the said panel has never been dealt with by the concerned respondent, so far as question of its approval is concerned. Not even any material is available to bring forth that any subsequent recruitment process has been undertaken, after expiry of the said panel.
8. Therefore, on the discussion as made above, the present writ petition is disposed of with the following directions:-

- (i).** The respondent no. 3 shall consider the panel for approval, if not a decision as regards the same has already been taken by him, after taking into consideration the present writ petition, as a written representation by the petitioner.
 - (ii).** The respondent no. 3 shall grant opportunity of hearing to the petitioner, and finally decide upon the issue, by delivering a reasoned order, unless the petitioner's prayer is allowed by it after consideration.
 - (iii).** The petitioner shall submit a copy of the present written petition along with all its annexures, to the said respondent. The respondent no. 3 shall conclude the process in terms of the order as above, within a period of six weeks from the date of communication of copy of the present writ petition.
- 9.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
 - 10.** This writ petition being WPA No. 8291 of 2009 is disposed of, along with the pending applications, if any.
 - 11.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)