

WPA 12289 of 2014
Smita Rang .--vs-The State of West Bengal & Ors

11.11.2024
ct.25, sl. 50.
sk

Ms. Anita Khatri
...for the petitioner.

Dr. Sutanu Patra
Ms. Supriya Dubey
...for the opposite partySSC.

The writ petitioner is aggrieved that her representation dated 31st March, 2014 has not yet been considered by the respondent/West Bengal Central School Service Commission.

The fact remains that the petitioner was selected in 12th R.L.S.T. Being successful she was offered for selection of the School. Thus, she had selected in Maipith Nagenabad Junior High School. Subsequently, the petitioner, however, without joining there had written to the respondent/West Bengal Central School Service Commission by dint of a letter as mentioned above, expressing her inability to join in the said school and requesting for allotting some other institution, nearby her residence.

The ground for which the petitioner says herself to be unable to join in the said school, is with regard to its distance from her residence. She says that the distance between her residence and the said institution, is coverable only through 7 and more hours of journey. She has also pleaded about the

physical ailments of her parents whom she had to look after, at the relevant point of time. Hence, she could not have left them unattended.

According to the petitioner, she belongs to OBC category.

The writ petitioner has stated about vacancy of post being existing at the relevant point of time, in four of the nearby schools. She seeks that she may be appointed in any of the said schools, which situate within the reasonable proximity from her residence.

Ms. Khatri, learned advocate appears for the writ petitioner. She submits that the prayer of the petitioner is justified, in so far as the distance between the school and the residence of the petitioner, is non-commutable.

Mr. Patra, learned advocate appearing for the respondent/SSC has addressed the Court with reference to the averments made in the affidavit-in-opposition filed by the said respondent. The said affidavit-in-opposition is taken on record.

The respondent/West Bengal Central School Service Commission has raised strong objection as to the contention and prayer of the petitioner.

It is stated firstly that after being successful in the examinations, the petitioner has selected the institution of her choice, in accordance with the law.

He says that there is no provisions under the law, for reconsideration of such selection, on whatsoever ground.

It is stated further that at the time of allotment of school, the concerned candidate has given an undertaking to join in the school as selected and not to claim to be posted elsewhere. Dr. Patra would say that for the said reason, the petitioner shall not be eligible for change of school any further.

It is stated further that the four posts in the nearby schools, as stated by the petitioner as vacant, would not be suitable for the writ petitioner, insofar as three of those are for incumbents belonging to other category that is, "OBC A" and the rest one, though belong to the general candidate, would be allottable to the person obtaining higher marks than the petitioner. Therefore, the respondent has stated, that the petitioner would not be entitled to any of the four vacancies as she claims.

So far as the writ petitioner's contention of her belonging to the OBC category, is concerned, the respondent has relied on the record that the petitioner has applied for and taken part in the process, as a candidate of unreserved category.

Heard submissions and perused the records. It is found proper that the Chairman, West Bengal Central

School Service Commission be directed to consider the petitioner's case as envisaged in the writ petition after affording an opportunity of hearing to the petitioner. The said respondent shall also allow the petitioner's prayer to file her documents as necessary to determine the issues involved herein.

It is worth mentioning that the one post marked for the unreserved candidate in one of the institutions, as mentioned by the petitioner, if found vacant and not declared to the petitioner on the date of counseling of herself, shall be considered by the authority, for offering to her.

The said respondent shall dispose of the petitioner's prayer within a period of six weeks from the date of communication of copy of this order.

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

(Rai Chattopadhyay, J.)