

ML 319
08.07.2024
Court. No. 9
GB

W.P.A. 16785 of 2023

Babu Dey
Vs.
The State of West Bengal & Ors.

Mr. Tarapada Das,
Ms. Jonaki Khan

...for the Petitioner.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

...for the W.B.B.S.E.

Mr. Rudranil De

...for the Respondent No.10.

The petitioner is aggrieved by inaction on the part of the West Bengal Board of Secondary Education in supplying the date of birth of Jimut Dutta, the respondent No.10. Jimut Dutta was appointed as a peon in a Primary School Council. On the complaint lodged by the petitioner, an enquiry was made by the West Bengal Police. The S.P., DIB, Purulia by a letter dated February 14, 2021 supplied the enquiry report to the District Magistrate and the District Magistrate forwarded the same to the District Inspector of Schools, Primary Education, Purulia. The enquiry was with regard to the allegation of manipulation of age by Jimut Dutta, who was a staff under the District Inspector of Schools, Primary Education. Petitioner relies upon the admission register of Purulia Netaji Vidyapith and submits that the respondent No.10 was allowed to work beyond 60 years.

On physical enquiry it was found that the respondent No.10 was admitted in Class-V at Belguma Vivekananda Vidyapith on February 20, 1981 after being transferred from

Belguma Government Junior Basic School. The date of birth of Jimut Dutta as per the register was January 8, 1972, which tallied with the transfer certificate of Belguma Government Junior Basic School. Jimut Dutta left the said institution on July 11, 1986 after completion of Class-VIII. Teacher in-charge of Belguma Vivekananda Vidyapith also submitted a report along with all copies of the admission register. Transfer certificate of Belguma Vivekananda Vidyapith and transfer certificate of Belguma Government Junior Basic School have been enclosed with the said report. Hence, it was concluded that the record of Belguma Vivekananda Vidyapith was more relevant than the record of Purulia Netaji Vidyapith, as Purulia Netaji Vidyapith was unable to produce any documentary evidence with regard to the age. The enquiry concluded and no material was found against the respondent No.10. There was no dispute in respect of the date of birth as per the enquiry of the police.

Under such circumstances, this Court is of the view that once the West Bengal Police, District Intelligence Branch, Purulia has made an enquiry with regard to the date of birth and filed a report before the District Magistrate which was communicated to the District Inspector of Schools, there is no further requirement for the writ Court to cause a roving enquiry, once again. Moreover, the petitioner has also not been able to convince this Court as to how he is affected if the respondent No.10 continued his service. The petitioner is not a colleague of the said respondent. He was not a candidate for the said post.

Accordingly, the writ petition is disposed of without any orders.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)