

13 08.08.2024
rkd Ct.18

W.P.A. 25619 of 2023

Jagannath Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Kaushik Choudhury,
Mr. Sabyasachi Hazra,
Mr. Bikas Ranjan Kerketta

....for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition petitioner
has sought for grant of service benefits with effect
from 7th August, 2003 being the date of the order
passed by the Hon'ble Division Bench on an intra
Court appeal being FMA 459 of 2001.

The learned advocate for the petitioner
submits that he participated in the selection
process for being appointed as a Clerk in a
Government aided school on 20th May, 2001 and
stood second in the panel.

According to the petitioner due to pendency
of litigations before this Court contemporaneously
after preparation of panel by the school authority
the same could not be approved and the approval

of panel was accorded vide memo dated 10th May, 2012 issued by the District Inspector of Schools (SE), Bankura.

It is also submitted that vide order dated 7th August, 2003 the Hon'ble Division Bench disallowed the candidature of the first empanelled candidate on being found that in terms of dates of registration of the candidates whose names were forwarded by the concerned employment exchange for participating in the interview vis-a-vis the date of registration of the first empanelled candidate with the employment exchange, other sponsored candidates were not juniors to the first empanelled candidate.

Since candidature of the first empanelled candidate by virtue of the order dated 7th August, 2003 could not be considered by the respondent authorities according to the petitioner he being the second empanelled candidate ought to have been granted approval after the order passed by the Hon'ble Division Bench on 7th August, 2003. However, it has been submitted that there are other litigations which were pending and the last order was passed by the Hon'ble Division Bench on 21st March, 2012.

The learned advocate representing the State

respondents submits that for granting service benefits from the date prior to the date from which petitioner was granted approval of appointment representation has been made by the petitioner and the same can be considered by the appropriate State authority in accordance with law.

Having considered the submissions made on behalf of the parties and taking note of the orders passed by the Hon'ble Division Benches on 7th August, 2003 and 21st March, 2012 the writ petition stands disposed of granting leave to the petitioner to prefer a composite representation to the Commissioner of School Education, West Bengal being respondent no.2 by fortnight from date.

If such representation is made by aforesaid time the Commissioner shall take decision in accordance with law by twelve weeks from the date of receipt of the representation from the petitioner and a reasoned decision shall be taken after granting opportunity of hearing to the petitioner or his representative on the claim of the petitioner whether he is entitled to get service benefits from 2003 onwards or not.

The decision to be taken by the Commissioner shall be communicated to the

petitioner by one week thereafter.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)