

21-03-2024
ct no. 13
Sl. 187
sp

WPA 26276 of 2023
Bimalendu Bikash Das
-Versus-

The State of West Bengal & Ors.

Mr. Gourav Das,
Ms. Mitali Mondal

..for the petitioner

Mr. Sumay Dey,
Ms. Indrani Nandi

...for the State

Mr. Mamal Mishra,
Mr. Subhadeep Maitra

...for the DPSC, Purba Medinipur

1. The petitioner is aggrieved that in the Contai East Circle of Purba Medinipur, the post of Head Teacher in Ghoraghata Primary School, a person not featuring in the original panel, has been appointed as Head Teacher. Upon objection being raised by the petitioner, the same was not considered and hence, the writ petition was filed.
2. After filing of the writ petition, it is submitted that the petitioner was forced to hand over charge to one Mr. Samaresh Gayen.
3. Supplementary affidavit has been filed and served on the State.

4. Let Mr. Samaresh Gayen, be added as a party respondent in the instant proceeding.
5. Let the amendment be effected in the cause title by the learned counsel for the petitioner in course of the day.
6. Admittedly, no counseling process has been undertaken by the DPSC, Purba Medinipur in respect of Contai East Circle under which Head Teachers have been appointed.
7. The appointment is, therefore, given on the basis of whim and fancy and leads to uncanalized powers conferred on the DPSC.
8. This Court notes that in respect of some districts in the State, the DPSC concerned has dutifully followed the counseling process in the appointment to the post of Head Teachers.
9. In the above circumstances, this Court directs that the appointment of said Samaresh Gayen shall be kept in abeyance. The DPSC, Purba Medinipur in respect of Contai East Circle shall undertake the counseling process of all candidates in the initial panel.

Subsequently, the panel may be published upon due notice to all parties and with the expressed formation of the Board.

10. The existing appointment may issue only and until such time the counseling process be undertaken formally.
11. It is expected that the counseling process which has been directed above, be completed within a period of one month from date.
12. The petitioner shall abide by any counseling process.
13. With the aforesaid observations, the instant writ petition shall stand disposed of.
14. There shall be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)