

W.P.A. 29045 of 2024

**Sangita Das
Vs.
The State of West Bengal & Ors.**

Mr. Manjit Singh
Mr. Biswajit Mal
Mr. Arkaprabha Roy
Mr. Soujanya Pattanyak
...for the petitioner

Mr. Syed Mansur Ali
...for the respondent no. 4
Mr. Supriya Chattopadhyay
Mr. Arindam Ghosh
...for the State

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

Matter relates to selection in the post of Assistant Headmaster/Assistant Headmistress in Karandighi High School (HS) District-Uttar Dinajpur (hereinafter referred to as the 'said school').

Mr. Manjit Singh, learned senior advocate representing the petitioner submits that a selection process was conducted on 4th February, 2021 on formation of a selection committee by the said school authority and there was discrepancy with regard to awarding marks in *viva voce* out of total five marks which is reflected from the order of the District Inspector of Schools (SE) Uttar Dinajpur being respondent no. 3 dated 27th September, 2023. According to the petitioner by said order dated 27th

September, 2023 respondent no. 3 directed the said school authority to hold *de novo* personality test for awarding marks. In addition thereto, reliance is also placed on the order dated 23rd August, 2024 passed by a coordinate Bench on a writ petition being WPA 10349 of 2021 (Sangita Das Vs. State of West Bengal & Ors.) wherein also direction was given upon the said school authority to hold *de novo* selection process for preparation of panel for the post of Assistant Headmaster/Assistant Headmistress. According to the petitioner on conjoint reading of the order of the coordinate Bench dated 23rd August, 2024 and order of the respondent no. 3 dated 27th September, 2023 said school authority is required to conduct only personality test but not the selection process afresh. Therefore, it is contended that notification dated 2nd December, 2024 issued by the said school authority for holding fresh interview on 19th December, 2024 is contrary to the order of the coordinate Bench dated 23rd August, 2024 and the order of the respondent no. 3 dated 27th September, 2023.

State-respondents and the said school authority are represented by learned advocates who have jointly submitted that the purport of the order of the respondent no. 3 dated 27th September, 2023 permits the said school authority to hold interview afresh. It is also submitted on behalf of the State-respondents that the coordinate Bench also directed the selection committee to hold interview afresh and publish the result.

Having considered the rival submissions made on behalf of the parties and taking note of the order of the coordinate Bench dated 23rd August, 2024 and the order of the respondent no. 3 dated 27th September, 2023 this Court is required to consider the relevant provisions as contained in the guidelines which was issued vide Government memo dated 10th July, 2002. Under Clause 3(B)(3) it has been provided that an interview is to be held having three parts under Clause 3(C) that is in academic qualification including professional qualification total 30 marks is allotted and for experience in terms of length of service of the respective candidates 5 marks is allotted and for personality test 5 marks is allotted. On perusal of the order of the coordinate Bench dated 23rd August, 2024 as well as the order dated 27th September, 2023 it does not appear that the Court as well as the respondent no. 3 directed the said school authority to hold personality test with same set of candidates rather directed the said school authority to hold interview afresh. Therefore, in view of the provisions as contained in the aforesaid guidelines introduced vide Government memo dated 10th July, 2002 there ought not to be any hesitation in arriving at a conclusion that the coordinate Bench directed the said school authority to hold interview afresh not personality test requiring *de novo* process without restricting the said selection process with same set of candidates to the extent of personality test.

Another striking feature as it appears from the submission of the learned advocate representing the said school authority that the petitioner applied in terms of the notification dated 2nd December, 2024 offering her candidature to participate in the interview on 19th December, 2024. After offering her candidature in the ensuing interview scheduled to be held on 19th December, 2024 petitioner is estopped from raising the issue that the said school authority is only authorized to hold personality test not the interview.

Hence, the writ petition stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)