

W.P.A. 5858 of 2025

**Minati Manna
Vs.
The State of West Bengal & Ors.**

Mr. Subhrangshu Panda
Mr. Goutam Dina
Mr. Sandip Roy
Ms. Haritri Roy
Mr. Ratul Ghosal

...for the petitioner

Mr. Jahor Dutta
Mr. N. Roy

...for the State

Affidavits of service filed on behalf of the petitioner are taken on record.

In spite of service of notice authority of Gokulpur Madan Mohan Shiksha Niketan (High School) Purba Medinipur being respondent nos. 5 and 6 are not represented.

Petitioner prays for direction to permit her to participate in the interview which is scheduled to be held on 23rd March, 2025 for the post of Clerk in Gokulpur Madan Mohan Shiksha Niketan (High School), District- Purba Medinipur (hereinafter referred to as 'said school'). It is submitted on behalf of the petitioner that initially interview was held on 13th January, 2008 in terms of the prior permission granted by the then Additional District Inspector of Schools (SE),

Contai Sub-Division, Purba Medinipur on 12th September, 2006 but the said selection process could not be brought to logical conclusion since all the relevant records were not supplied by the said school authority along with a panel as a result whereof the concerned District Inspector of Schools did not approve the panel. One writ petition was filed being WPA 19053 of 2015 in connection with the said selection process by one Subhendu Bikash Das and same was disposed of by a coordinate Bench on 14th September, 2015 directing the said school authority to hold fresh selection process based on prior permission dated 12th September, 2006 with same set of candidates who participated in the interview on 13th January, 2008 within a specified time. Against this order dated 14th September, 2015 an intra Court appeal being MAT 1420 of 2017 was preferred and same was dismissed as withdrawn by the Hon'ble Division Bench vide order dated 21st May, 2024. It is contended that after dismissal of the appeal said school authority has taken steps to complete the selection process by holding interview on 23rd March, 2025 where petitioner though not a candidate who participated in interview on 13th January, 2008 is willing to participate but the said school authority

has not allowed her to offer candidature in the ensuing interview. In support of such contention reliance is also placed on the order of the coordinate Bench dated 14th December, 2015 passed on a writ petition being WPA 28952 of 2015 (Debdulal Mandal vs. State of West Bengal & Ors.). It is submitted that similarly circumstanced another candidate was permitted to participate in the interview which was scheduled to be held on 6th January, 2016. Therefore, petitioner is entitled to get similar direction.

State respondents are represented by learned advocate who has opposed the prayer of the petitioner since the interview is going to take place on 23rd March, 2025 in terms of the order dated 14th September, 2015. Therefore, the said school authority/selection committee is required to allow only those candidates, who were found eligible to participate in the interview on 13th January, 2008.

Having considered respective submissions made on behalf of the parties this Court finds the right of the respective candidates to participate in the interview to be held on 23rd March, 2025 accrues from the order dated 14th September, 2015. For better understanding of the issue

relevant part of the order dated 14th September, 2015 is quoted below:-

“Considering the submissions advanced by the learned Advocates for the respective parties and after perusing the records, I am of the view that justice would be sub-served if the School Authority is directed to hold the fresh selection in respect of the post of Clerk on the basis of the prior permission already granted by the Additional District Inspector of Schools (S.E.), Contai Sub-Division, Purba Medinipur on 12th September, 2006 with the same set of candidates within a period of six weeks from the date of communication of this order.”

It has been specifically observed by the coordinate Bench in the order dated 14th September, 2015 that the school authority is required to hold interview with same set of candidates within a specified period based on prior permission dated 12th September, 2006. Therefore, it can be inferred that those candidates who were found to be eligible to participate in the interview on 13th January, 2008 should only be permitted to participate in the interview which is to be conducted on 23rd March, 2025. Reliance is placed on a subsequent order passed by the same coordinate Bench dated 14th December, 2015 whereby another candidate who did not participate in the interview on 13th January, 2008 was directed to be permitted by the school authority to participate in the interview which

was scheduled on 6th January, 2016 or on any subsequent date if the petitioner was found otherwise eligible. On perusal of the order dated 14th December, 2015 it does not appear that there was consideration of the order dated 14th September, 2015 passed on another writ petition. Since there was no consideration of the order dated 14th September, 2015 in the subsequent order dated 14th December, 2015 latter order dated 14th December, 2015 needs to be considered separately and it can be concluded that previous order dated 14th September, 2015 *qua* right of the parties to participate in the interview if conducted subsequently needs to be assessed based on observation made in the order dated 14th September, 2015.

Since both the orders dated 14th September, 2015 and 14th December, 2015 are placed before this Court and after dismissal of the appeal on 21st May, 2024 when the said school authority is going to conduct interview on 23rd March, 2025 in terms of the order dated 14th September, 2015 it needs to be demonstrated before this Court that petitioner is entitled to participate in the interview based on observations as contained in the order dated 14th September, 2015.

However, nothing is forthcoming from where it can be concluded that petitioner was one of the eligible candidates who could participate in the interview on 13th January, 2008 rather on scrutiny it is found that petitioner was minor on the date of interview on 13th January, 2008.

Therefore, no relief can be granted to the petitioner in the present writ petition.

Hence, the writ petition stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)