

26.03.2025.

PB

Sl. No.2.

Ct. No.25.

WPA 8151 of 2019

Arun Dutta @ Arun Kumar Dutta

Vs.

The State of West Bengal & Ors.

Mr. Saibal Acharya,

Mr. Sujit Bhunia,

Mr. K. K. Bhattacharya,

Mr. S. Bhattacharya.

... For the Petitioner.

Ms. Reneja Dey.

... For the respondent no.7.

Mr. Pinaki Bhattacharyya.

..... For the State.

1. The petitioner was appointed pursuant to the panel dated September 20, 1996, and by dint of the appointment letter dated September 21, 1996. The petitioner has joined in the school on September 25, 1996.

2. The petitioner's joining in the school has never been a smooth process. An unsuccessful candidate has raised objection before the respective competent authority regarding illegal gratification being made by the successful candidate in the panel, for being appointed in the said post. At that point of time, the respondent authority had not sat tight over the issue and conducted an enquiry.

3. The order of the District Inspector of Schools (SE), Medinipur, dated August 19, 1996, speaks for itself, regarding the way the allegation as above has been dealt with by the said authority. The D.I. has found no substance in the allegation as above and subsequently, the petitioner had joined in the school on September 25, 1996.

4. Since the date of joining, the petitioner has been working in the school uninterruptedly. Later on, in a writ petition being C.O. 17402 (W) of 1996, the Court had passed an order dated March 26, 1999, thereby not interfering into continuance of service of the petitioner, but directing an enquiry to be conducted regarding the question of selection and appointment in the said school, to be made by the D.I.

5. Mr. Archarya, learned advocate appearing for the petitioner, has submitted that in terms of the said order of the Court, no enquiry has ever been done till date. However, the petitioner has also not been accorded approval of his service till date, by the respondent authority. He says that the petitioner is, thus, aggrieved and prejudiced. His service has not been approved as yet. Since the petitioner is at the verge of his retirement, Mr. Acharya has stated that, he should be immediately approved in his service.

6. Mr. Bhattacharya, learned advocate is appearing for the State respondent. He has sought for an order that prayer for approval of appointment of the

petitioner may be allowed to be considered by the concerned respondent.

7. Having heard the submissions of the learned advocates and perusing the documents, the Court finds that undisputedly, the petitioner is working in the school w.e.f. September 25, 1996. Later on, vide order dated March 26, 1999, the Court had directed an enquiry to be made by the D.I. regarding the question of selection and appointment, without however, interfering into the continuation of service of the writ petitioner in the school, in any manner.

8. It is found that since from March 26, 1999, till date, the respondent D.I. has not found any necessity to conduct an enquiry as regards the selection and appointment of the Assistant Teacher in the school in terms of the Court's direction as above. In the meantime, for last 25/26 years, the petitioner has rendered service in the school, uninterruptedly and unblemished.

9. In that view of the matter, this Court is of considered opinion that necessity of an enquiry to be held has lost its context and relevance. The respondent has itself abandoned the right which flowed at one point of time, from the order of the Court, in its favour.

10. The Court has further noted that there has not been any allegation from any corner regarding any infirmity of the selection process or about the

petitioner's conduct during the period of his service till date. In such view of the fact, the Court finds that the respondent authority should not hesitate any further to accord approval to the writ petitioner in terms of his appointment vide letter dated September 21, 1996.

11. Hence, it is found proper to allow and dispose of the writ petition with a direction that an order of approval of service of the writ petitioner shall be made immediately by the respondent no.4, maximum, within a period of four weeks from the date of communication of copy of this order, with post facto effect from the date of his joining.

12. With the direction as above, the writ petition is allowed and disposed of.

13. Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

14. Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)