

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 10849 of 2025

Paramita Das

-vs-

State of West Bengal & Ors.

For the Petitioner : Ms. Soma Chatterjee (Mishra)
Mr. Ritwik Basu

For the Respondent No.14 : Mr. Krishna Pada Santra

For the School Authority : Mr. Kamalesh Bhattacharyya
Mr. Aninda Bhattacharya

For the State : Mr. Shamim Ul Bari
Ms. Ratna Das

Heard on : 11.07.2025

Judgment on : 11.07.2025

SAUGATA BHATTACHARYYA, J.:

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Petitioner questions selection of respondent no. 14 for the post of Assistant Teacher of Work Education in St.

Gabriel's High School (HS), South 24 Parganas (hereinafter referred to as "said school").

3) Learned advocate representing the petitioner submits in reference to advertisement dated 7th September, 2022 that requisite qualification for filling up post of Assistant Teacher in Work Education was Graduate and B.Ed. It is submitted that respondent no. 14 was selected to be appointed as Assistant Teacher in Work Education in said school but on the date of advertisement on 7th September, 2022 respondent no. 14 did not have requisite qualification that is B.Ed. It is further submitted that on relaxation of requisite qualification of B.Ed. for unknown reason respondent no. 14 was selected to be appointed as Assistant Teacher in Work Education.

4) Another limb of submission made on behalf of the petitioner is denial of right of the petitioner by said school authority to participate in the selection process for filling up the post of Assistant Teacher in Work Education. It is submitted in terms of advertisement dated 7th September, 2022 on 16th September, 2022 application was made by the petitioner expressing willingness to participate in the selection process and same was received by said school authority on 20th September, 2022. It is also submitted that in between 7th September, 2022 and 17th September, 2022

there were three holidays, therefore, ten working days within which a candidate was required to apply ended on 20th September, 2022 (17th September, 2022 plus three days). According to the petitioner, she ought to have been permitted to participate in the selection process having requisite educational qualification.

5) Mr. Bhattacharya, learned advocate representing said school authority submits that the eligible candidate was required to apply within ten working days to be counted from date of advertisement on 7th September, 2022 meaning thereby last date of making application was 17th September, 2022. If petitioner's application reached office of said school on 20th September, 2022 that is beyond the time stipulated in the advertisement.

6) Submission has also been made on behalf of said school authority to justify steps taken by said school authority to prepare the panel wherein respondent no. 14 was placed at the top. According to said school authority, respondent no. 14 was possessing B.Tech. qualification on the date of advertisement and subsequently obtained B.Ed. qualification in 2023 which made him eligible to be considered for the post of Assistant Teacher in Work Education . It is submitted that written examination was held on 15th December, 2024, prior thereto respondent no.

14 obtained B.Ed. qualification in 2023. Therefore, there is no illegality in selecting respondent no. 14 for the post of Assistant Teacher in Work Education.

7) Mr. Bari, learned advocate representing State respondents submits that approval of appointment was granted by the District Inspector of Schools (SE), South 24 Parganas vide memo dated 27th December, 2024 considering B.Tech. and B.Ed. qualifications of respondent no. 14.

8) While considering the issue, it appears that indisputably advertisement was made by said school authority on 7th September, 2022 fixing ten working days for submission of application in order to offer candidature by eligible candidates. If there are three holidays within ten working days to be counted from 8th September, 2022 in that event the period fixed for submission of application gets extended for a further period of three working days. Therefore, in the event it is found that in between 7th September, 2022 and 17th September, 2022 there were three holidays in said school last date for submission of application form is to be adjudged not as 17th September, 2022 but as 20th September, 2022.

9) Next question arises for consideration is whether respondent no. 14 ought to have been adjudged as an eligible candidate who did not have B.Ed. qualification either

on the date of advertisement that is on 7th September, 2022 or on last date of submitting application on 20th September, 2022.

10) On perusal of a document at page 36 of the writ petition, it appears that respondent no.14 obtained B.Ed. qualification in 2023 whereas last date of submitting application for offering candidature was either 17th September, 2022 or 20th September, 2022. If respondent no. 14 obtained B.Ed. qualification after 20th September, 2022 in that event he ought not have been adjudged as eligible candidate to be appointed in the post of Assistant Teacher in Work Education when it appears in consideration of advertisement dated 7th September, 2022 that requisite educational qualification was Graduate and B.Ed.

11) In view of aforesaid discrepancies found in selecting respondent no. 14 for the post of Assistant Teacher in Work Education in said school, Commissioner of School Education, West Bengal being respondent no. 4 is directed to take decision whether respondent no. 14 was an eligible candidate in terms of advertisement dated 7th September, 2022 published by said school authority for filling up the post of Assistant Teacher in Work Education or not. A reasoned order shall be passed by respondent no. 4 within a period of eight weeks from date of communication of this

order after granting opportunity of hearing to the petitioner, respondent no. 14 and said school authority or their representatives. Decision to be taken by respondent no. 4 shall be communicated to the parties by ten days thereafter. While taking decision respondent no. 4 shall take into consideration the observations made by this Court in this judgment.

- 12) Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.
- 13) Writ petition stands 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 on usual undertaking.

(Saugata Bhattacharyya, J.)