

21.01.2025
Item 22
Ct. 17
tbsr

WPA 13593 of 2023

Rita Bhuniya

Vs.

State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
....for the petitioner

Mr. Rezaul Hossain
....for the State

Mr. Mrinmay Bhattacharyya
Mr. N. C. Dey
....for the respondent no. 11

Md. Sarwar Jahan
Ms. Mousumi Mitra
Ms. Tapati Sarkar
....for the respondent no. 12

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner applied for being appointed to the post of Sahayika in a Sishu Siksha Kendra (SSK), although she was more qualified and older in age instead of the private respondent who was engaged. However, subsequently the authorities found out the mistake that the private respondent had been given engagement on the basis of an interview, which was not provided for in the recruitment process. Therefore, they did not approve the engagement. However, the petitioner is entitled to get the post.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits that his client was validly appointed. In any event, after participating in the process the petitioner has no right to challenge the same.

Learned counsel appearing on behalf of the State submits that the matter may be heard out without exchange of affidavits and the position is very clear as would be evident from the decision taken by the Director.

Learned counsel appearing on behalf of the Mission Director denies the allegations and submits that as would appear from the order passed by the Principal Secretary, School Education Department on 19.04.2023 that it was apparent from the report of the Mission Director PBRSSM that the recruitment procedure conducted by the Managing Committee, Jhenia Chatanpar Sishu Shiksha Kendra (SSK) was in clear violation of the recruitment procedure prescribed in the Panchayat & Rural Development Department Vide Memo Dated 8.11.2004 read with notification dated 27.10.2006. Thus, the engagement procedure being invalid *ab-initio*, the engagement of the petitioner was irregular. Quite rightly the Sthayi Samity of the Panchayat Samity did not approve the panel. The 2012 notification was referred to in the order only to

indicate that by such notification all subsequent engagements have been stopped.

It appears that the recruitment process undertaken by the Managing Committee was in violation of settled norms. The process had no place for taking an interview. Yet, the same was done. Accordingly, the Sthayi Samity of the Panchayat Samitiy did not approve of the panel.

In view of the above, the petitioner has no right to seek engagement as being part of the said panel.

I do not find any merit in the application.

Accordingly, the same is dismissed, however, without any order as to costs.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)