

Dated : 12.11.2025
Sl. No. : 38.
Ct. No. : 18.
Officer : AGM.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 25097 of 2025

Purnachandrapur Chandmoni Siksha Bhaban (H.S.) &
Ors.
Vs
The State of West Bengal & Ors.

Mr. Suman Dey.
Mr. Nilay Baran Mandal.
.....for the petitioners.

Mr. Vivekananda Bose.
Ms. Mousumi Banerjee.
... For the State.

Mr. Kamal Misra.
... For Sukomal Maiti.

1. Affidavit-of-service filed in Court today be kept with the records.
2. The petitioner school seeks a direction upon the District Inspector of Schools (S.E.), South 24 Parganas to permit the school to conclude the selection process for filling up the vacant post of Assistant Headmaster.
3. From the documents annexed to the writ petition, it appears that on 30th April, 2008 prior permission was given to the school for filling up the vacant post of Assistant Headmaster.
4. A writ petition was filed by one Sukomal Maiti claiming himself to be eligible to be appointed as Assistant Headmaster being **WP 5327 (W) of 2009** and an order was passed by the Court on

31st March, 2009 directing the respondent authority to ensure that the process for selection in the post of Assistant Headmaster be initiated as early as possible and give the said Sukomal Maiti proper opportunity to compete the same in accordance with the Rules.

5. The school sought for applications from eligible candidates but thereafter, for reasons best known, the school did not proceed with the same and did not conclude the selection process in accordance with the direction passed by the Court on 31st March, 2009.
6. In the meantime, one of the candidates eligible for being appointed as Assistant Headmaster got transferred from the said school leaving behind only Sukomal Maiti as the eligible candidate for appointment.
7. With the passage of time, some other candidates also acquired the eligibility for being appointed as Assistant Headmaster. The school at this stage seeks for a direction upon the District Inspector of Schools to permit the school to conclude the selection process.
8. It has been submitted that the said Sukomal Maiti will be permitted to participate in the selection process along with other eligible candidates.
9. Learned advocate representing the State respondents submits that prior permission issued in the year 2008 has not been acted upon till date. The order of the Court dated 31st March, 2009 has also not been complied with.
10. It has been submitted that the school ought to take steps in terms of the prior permission dated

30th April, 2008 and in accordance with the order passed by the Court on 31st March, 2009.

11. Though Sukomal Maiti has not been impleaded as party in the instant writ petition, learned advocate appears on behalf of the said Sukomal Maiti and submits that the right of Sukomal Maiti for being considered for appointment stood crystallized by the order passed in his favour by the Court on 31st March, 2009.
12. Upon hearing the submission made on behalf of all the parties and on perusal of the materials placed before this Court, it appears that prior permission dated 30th April, 2008 has not been cancelled or withdrawn by the authority. The same remains valid till date.
13. The order dated 31st March, 2009 directed the school to ensure that the process for selection of Assistant Headmaster be initiated and the petitioner (Sukomal Maiti) be given a proper opportunity to compete the same.
14. The selection process for the Assistant Headmaster has not proceeded apart from inviting applications only. The school ought to take steps to conclude the selection process in accordance with law and in line with the direction passed by the Court on 31st March, 2009.
15. As there are several other eligible candidates apart from Sukomal Maiti, the school shall proceed with the selection process afresh permitting all eligible candidates to participate in the selection process along with Sukomal Maiti.

16. The school shall take steps to ensure that the selection process is initiated without any further delay and the same is concluded positively within a period of four months from date.
17. The writ petition stands disposed of.
18. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)