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17.01.2025
Ct. No. 18
(ARPAN)

W.P.A. 30520 of 2024

**Kalicharan Sen
Vs.
The State of West Bengal & Ors.**

Mr. Subir Hazra

...for the Petitioner

Matter is heard in presence of the learned advocate representing the petitioner.

By presenting this writ petition, *inter alia*, prayer is made for granting approval of appointment in favour of the petitioner based on appointment letter dated 28th July, 1995 issued by the Headmaster of the School. It is also submitted that subsequently another appointment letter was issued on 17th October, 1995 by the Administrator of the school.

However, on perusal of the writ petition nothing is found that the petitioner was appointed following the recruitment rules prevalent at the material point of time. It further appears that no prior permission was issued by the concerned District Inspector of Schools (S.E.) permitting the school authority to fill up the post and no notice was sent to the concerned employment exchange for forwarding the names of eligible candidates to participate in the interview.

Therefore, it appears that appointment of the petitioner was *dehors* the recruitment rules which does not confer right upon the petitioner to pray for issuance of mandamus directing the concerned District Inspector of Schools (S.E.) to approve his appointment.

Since no enforceable right is accrued in favour of the petitioner which warrants issuance of mandamus protecting his right for continuance of service upon granting approval of appointment, the prayer made in the writ petition ought not to be allowed. In this regard reliance is placed on the judgment of the Hon'ble Supreme Court report in 2006 (4) SCC 1 (*Secretary, State of Karnataka & Ors. vs. Umadevi & Ors.*)

With the above observations, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)