

S/L 23  
20.03.2025  
Court. No. 551  
*Sourav*

**WPA 37147 of 2013**

**Mahabuba Begam  
Vs.  
The State of West Bengal & Ors.**

*Mr. Ziaul Haque  
Mr. Himadri Kumar Mahata*

*...for the petitioner.*

*Md. Nure Zaman  
Mr. Somen Bose*

*...for the respondent no. 3.*

*Md. T. M. Siddiqui, Sr. Adv.  
Mr. S. Adak*

*...for the State.*

1. Learned advocate appearing on behalf of the writ petitioner files an exception supported by affidavit against the report as submitted by the respondent no. 3.
2. Let the said exception be taken on record.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent no. 3 to 9 for giving her the appointment in the post of 3<sup>rd</sup> Sahayika in the Shishu Shiksha Kendra under Dhuliyon Municipality by setting aside the appointment of the private respondent nos. 10 and 11.
4. In course of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 29 of the instant writ petition being a copy of the memo dated 08.07.2013 as issued by the respondent no. 3 addressed to the Councillor, Ward No. 1 of Dhuliyon Municipality. It is

submitted on behalf of the writ petitioner that pursuant to the said memo dated 08.07.2013, the writ petitioner applied before the Councillor, Ward No. 1 of the said Municipality for the said post which was sent under registered post but the same was returned with an endorsement 'not claimed'.

5. It is further submitted that thereafter, on 10.07.2013 the writ petitioner has submitted a similar application with the respondent no. 3 which was received by his office on the self-same day, a copy of which is available in the page no. 32 of the instant writ petition. It is submitted further that since no action has been taken by the respondents/authorities, the writ petitioner through her learned advocate issued a notice dated 07.11.2013 to the respondent no. 3 as well as to the different functionaries of the State for taking appropriate action pursuant to the application dated 10.07.2013 as submitted by the writ petitioner but the respondent/authorities have taken no steps.
6. It is further submitted that the respondent no. 3 most illegally appointed the private respondent nos. 10 and 11 for the said post in two different schools without considering the legitimate claim of the writ petitioner. It is thus submitted that appropriate relief (s) may be granted to the writ petitioner in terms of the prayers as made in the writ petition.
7. Per contra, Md. Nure Zaman, learned advocate appearing on behalf of the respondent/Municipality

and its functionaries at the very outset draws attention of this Court to page no. 5 of the report as filed before this Court. It is submitted by him that from page no. 5 of the said report being a copy of the advertisement for the said post, it would reveal that the necessary application by the desiring candidate(s) was directed to be submitted in between 05.03.2012 and 13.03.2012 with the President/Secretary of the Managing Committee of the relevant Shishu Shiksha Kendra. It is further submitted that the writ petitioner made no such application either before the President or before the Secretary of the Shishu Shiksha Kendra and thus her name cannot be considered.

8. Drawing attention to page nos. 7 to 10 of the said report, it is submitted that after receipt of the applications from the desiring candidates, the Managing Committee of the two Shishu Shiksha Kendra namely, Hazi Siddique Hossain S.S.K. and Hazi Dil Mahammad Biswas S.S.K took respective resolutions on 14.03.2012 for selection of the appropriate candidate/candidates for the said post/posts and from the copies of the minutes as recorded in the resolution book, it would reveal that the said Managing Committee acted in accordance with law in selecting the private respondents for the said post for the two different schools.
9. In course of his submission, Mr. Zaman, learned advocate appearing on behalf of the

respondent/Municipality also draws attention of this Court to page nos. 15 to 18 of the report as submitted before this Court. It is submitted that after such selection, the Managing Committee of the said two schools have forwarded the names of the private respondents to the aforementioned municipality and by a resolution dated 01.07.2013 the said two names have been approved by the Board of Councillors in their meeting dated 01.07.2013.

10. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that the memo dated 08.07.2013 as has been annexed at page no. 29 of the writ petition, by no stretch of imagination can be considered as an advertisement since the said memo discloses a letter written by the Chairman of the said municipality addressed to the Councillor of Ward No. 1 of the said Municipality. While submitting the report today, the Chairman of the said Municipality had enclosed the copy of the advertisement at page no. 5. It appears that the said advertisement clearly specifies before whom the application is to be filed by the desiring candidates and the said advertisement clearly discloses within which time the application of the desiring candidates are to be submitted.
11. It reveals from the file of papers as placed before this Court that the writ petitioner has not submitted any

application either before the President or before the Secretary of the Managing Committee of the aforementioned schools and thus, the Managing Committee of the said two schools are perfectly justified for not considering the name of the writ petitioner in course of their meeting as held on 14.03.2012.

12. Materials have been placed before this Court that the Managing Committee of the said two schools had acted in a transparent manner while making selection of the Sahayika for the said schools and subsequently such selection of the private respondents have been approved by the Board of Councillors on 01.07.2013 in their board meeting by passing appropriate resolution.
13. This Court thus finds no merit in the instant writ petition.
14. Accordingly, the instant writ petition being **WPA 37147 of 2013** is dismissed.
15. There shall, however, be no order as to costs.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**(Partha Sarathi Sen, J.)**