

D/L
Item No. 15
16.04.2026
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266405

**FMA 1516 of 2015
With
CAN 1 of 2015 (Old No. 5743 of 2015)**

**Chittaranjan Nayek
-Vs.-
State of West Bengal & Ors.**

*Mr. Rudranil De,
Mr. J. Haque,*

...for the appellant.

Dictated by Arijit Banerjee, J:-

This appeal is directed against a judgment and order dated November 20, 2014, whereby the appellant's writ petition being WP 29849 (W) of 2014 was dismissed by a learned Judge of this Court.

The appellant and others had participated in a recruitment process initiated by the District Primary School Council, North 24 Parganas. Being aggrieved by not being appointed they approached a learned Judge of this Court by filing WP NO. 18405 (W) of 2010. The said writ petition was disposed of by an order dated December 16, 2010, the operative portion whereof reads as follows:-

"In such circumstances, this Court is of the view that the writ petition can be disposed of with a direction upon the Chairman of the Council to consider the candidature of the writ petitioners and forward their names for approval to the office of the Director of School Education, West Bengal, provided, of course, they conform to and fulfil all statutory requirements and eligibility criteria. The entire exercise, in terms of this order, shall be completed by the Chairman of the Council as expeditiously as possible, preferably within

a period of six weeks, but not later than eight weeks from the date of communication of a Photostat certified copy of this order.

In the event, the Chairman of the Council forwards the names of the petitioners, or some of the petitioners, the Director of School Education, West Bengal, shall take appropriate steps in the matter to grant approval to the names so forwarded by the Chairman of the Council, provided, of course, all statutory requirements and eligibility criteria are fulfilled and conformed by the successful candidates.”

The appellant and other unsuccessful candidates again approached the learned Judge by filing two writ petitions being WP 1533 (W) of 2010 (wherein the present appellant was the writ petitioner no. 2) and WP 18839 (W) of 2010. The said two writ petitions were disposed of by a common order dated April 20, 2011 which reads as follows:-

“After considering then submissions made by the learned advocates for the parties and upon perusing the two writ petitions, it appears that the writ petitioners participated in the recruitment process initiated by the District Primary School Council, North 24 Parganas, pursuant to an order dated 29th January, 2010, passed in W.P. 1533 (W) of 2010, but were unsuccessful.

This clear from the affidavit filed on behalf of the Chairman, District Primary School Council, North 24 Parganas, in W.P. 18839 (W) of 2010.

In such circumstances, no mandatory order, as prayed for, can be passed. However, since the writ petitioners participated in the recruitment process, in the event they come within the zone of consideration at a later date in view of the observations made by this Court in W.P. 18405 (W) of 2010 (Santosh Kumar Majumder & Ors. Vs. The State of West Bengal & Ors.) on 16th December, 2010, their candidature may be considered by the Chairman of the concerned Council. It is, however, made clear that it is within the

realms of discretion of the Chairman of the concerned Council to take a decision in the matter.”

It appears that on the strength of the order dated April 20, 2011, the present appellant approached a learned Judge of this Court by filing WP 29849 (W) of 2014 praying for an order directing the Chairman of the District Primary School Council, North 24 Parganas to appoint him as primary school teacher. The said writ petition was disposed of by the learned Single Judge by an order dated November 20, 2014, which is sought to be challenged in the present appeal. The operative portion of the said order reads as follows:-

“It appears from the said order dated April 20, 2011 that although the petitioner had participated in the recruitment process initiated by the Council, he was unsuccessful and hence, mandatory order was refused. However, His Lordship observed that in the event the petitioner comes within the zone of consideration at a later date, in view of certain observations made by His Lordship while disposing of another writ petition [W.P. 18405(W) of 2010 (Santosh Kumar Majumder & Ors. vs. The State of West Bengal & Ors)] on December 16, 2010, his candidature can be considered by the Chairman.

After the aforesaid order, the petitioner appears to have addressed a representation dated April 20, 2014 to the Chairman of the Council. A statement in such representation reads as follows:

“....That on 20.04.2010 the Hon’ble Justice Biswanath Somadder was pleased to dispose of the writ petition by directing the North 24 Parganas District Primary School Council to consider my candidature.....”

I am of the considered view that there was no mandatory direction of His Lordship upon the Chairman of the Council to consider the candidature of the

petitioner, as would be evident from the following observation contained in His Lordship's order:

"....It is, however, made clear that it is within the realms of discretion of the Chairman of the concerned Council to take a decision in the matter....."

The petitioner has not been able to demonstrate that he has come within the zone of consideration for appointment by producing any credible evidence. In such view of the matter, consideration does not arise and the writ petition stands dismissed."

We have heard learned Advocate for the appellant. We see no infirmity in the order under appeal. The appellant was unsuccessful having participated in the concerned recruitment process. The learned Judge recorded that the appellant/writ petitioner has not been able to demonstrate that he comes within the zone of consideration. There was no mandate on the Chairman of the Council to appoint the petitioner/appellant. Hence, the learned Single Judge dismissed the writ petition.

As indicated above, we see no error in the order under appeal.

Accordingly the appeal stands dismissed along with the connected application. There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)