

(2013) 07 CAL CK 0029**Calcutta High Court****Case No:** Writ Petition No. 22563 (W) of 2012

Sipra Kabiraj

APPELLANT

Vs

The State of West Bengal and
Others

RESPONDENT

Date of Decision: July 1, 2013**Citation:** (2013) 4 WBLR 886**Hon'ble Judges:** Debasish Kar Gupta, J**Bench:** Single Bench**Advocate:** Ekramul Bari, S.M. Ali and Tanuja Basak, for the Appellant; Susmita Biswas Chowdhury for the State, for the Respondent**Final Decision:** Disposed Off**Judgement**

Debasish Kar Gupta, J.

Let affidavit-of-service be kept on record. This writ application is directed against an order passed by the respondent No. 3 under Memo No. 554/2/para/SSM/12 dated September 7, 2012. By the impugned order, the recasting of the panel prepared for engagement of Additional Para Teacher in Bengali (Female) for Manigram High School, District-Murshidabad has been done placing the petitioner in third position of the above panel, who obtained first position in the panel initially.

2. This matter has a checkered history. A panel for appointment of the aforesaid Additional Para Teacher was prepared in the year 2007. The above panel was approved by the respondent No. 3 under Memo No. 149/4/SSM/2007 dated January 5, 2007. The petitioner was the first empanelled candidate. As a result, she was engaged in the post under reference on January 27, 2007.

3. One Sumita Mondal filed an application under Article 226 of the Constitution of India in the matter of Sumita Mondal v. The State of West Bengal & Ors. (In Re: W.P. No. 2582 (W) of 2007). The allegation was that the aforesaid Sumita Mondal was a Hons. Graduate and the writ petitioner herein did not possess that qualification at

the time of selection. It was also the allegation against the present writ petitioner that she was not a permanent resident of the concerned locality. The above writ application was disposed of on May 11, 2012 with a direction upon the respondent No. 3 to take a decision in the above matter. In compliance of the above order, the impugned order was passed.

4. Having heard the learned Counsel appearing for the respective parties as also after considering the facts and circumstances of this case, I find that the respondent No. 3 relied upon an enquiry report dated August 22, 2012 submitted by the Deputy District Project Officer, SSM, Murshidabad. But according to the petitioner, the above enquiry report was not served upon the petitioner for making appropriate submissions with regard to the above report to the respondent No. 3. Therefore, the impugned order was passed violating the rules of principles of natural justice and as a result the same is liable to be set aside.

5. In view of the observations made hereinabove, the impugned order is quashed and set aside.

6. This order will not however, prevent the respondent No. 3 to take steps in the above matter in accordance with law.

7. It is also made clear that the power of the respondent No. 3 for recasting the panel prepared for engagement of Additional Para Teacher in Recognised Non-Government Aided Educational Institution has not been examined in this writ application.

8. This writ application is, thus, disposed of.

9. There will be, however, no order as to costs. Urgent photostat certified copy of this order be supplied to the parties, if applied for, subject to compliance with all necessary formalities.