

Arindam Sanyal Vs The State of West Bengal and Others

Court: Calcutta High Court

Date of Decision: Aug. 31, 2012

Hon'ble Judges: Biswanath Somadder, J

Bench: Single Bench

Advocate: Piyush Chaturvedi, Mr. Debasish Purkait, Ms. Annesha Saha, for the Appellant; Joutosh Majumder and Mr. Anindya Bose, for the Respondent

Judgement

Biswanath Somadder, J.

Having heard the learned Advocates for the parties and upon perusing the instant application, it appears that the

issues sought to be raised in both the matters are similar to each other. The facts and circumstances of the instant case which has brought about

these two writ petitions centres around a recruitment process initiated by the District Primary School Council, South, 24-Parganas for the post of

Assistant Primary Teachers for the year, 2006. When the writ petition, being W.P. 22054 (W) of 2009, was initially moved before this Court on

18th December, 2009, the Court, upon making certain observations, was pleased to allow the writ petitioner to participate in the interview, without

prejudice to the rights and contentions of either party. The subsequent writ petition, being W.P. 7383 (W) of 2011, was moved before this Court

by the writ petitioner who stated that after the result of the selection process was declared on 15th March, 2010, he searched the internet and

came to learn that he was successful in the selection process but his appointment had been kept "withheld". Challenging such withholding of his

appointment in spite of being selected, the petitioner has approached this Court by filing the subsequent writ petition.

2. From the facts and circumstances of the case, as stated above, there is no manner of doubt whatsoever that the petitioner was allowed to

participate in the selection process by the District Primary School Council, South, 24-Parganas, based of an order passed by this Court on 18th

December, 2009. It is pertinent to observe at this stage that there has been no appeal preferred by the District Primary School Council, South 24-

Paraganas against the order dated 18th December, 2009. The subsequent writ petition was taken out by the petitioner only after he came to know

that although he was successful in the selection process, his name had been kept "withheld" for reasons unknown to him.

3. In such circumstances, this Court directs the Chairperson of the District Primary School Council, South 24-Parganas to take a final decision in

the matter of the petitioner's candidature, based on the observations made hereinabove and upon going through the records of the case and after

giving an opportunity of hearing to the petitioner. Such decision shall be supported with cogent reasons and shall be rendered by the Chairperson,

District Primary School Council, South 24-Parganas, in terms of this order, as expeditiously as possible, preferably within a period of eight weeks,

but not later than twelve weeks from date of communication of a photostat certified copy of this order.

4. Both writ petitions stand disposed of accordingly. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates

for the parties.