
(2012) 01 CAL CK 0011
In the Calcutta High Court

Case No : Writ Petition No. 25274 (W) of 2010 and CAN No. 164 of 2011

Dev Prasad Sarker

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Citation : (2012) 2 CHN 644

Hon'ble Judges : Jyotirmay Bhattacharya, J

Bench : Single Bench

Advocate : Ekramul Bari, Tanuja Basak and Biswajit Banerjee, for the Appellant; Sadananda Ganguli, D. Banerjee, for the respondent Nos. 1, 2, 3 and 4, Mrinmoy Kr. Saha for the respondent No. 5 and Rasomoy Mondal for the school authority, for the Respondent

Judgement

Jyotirmay Bhattacharya, J.—The first empanelled candidate has filed this application praying for his addition as party respondents in this writ petition. Since the writ petition has been filed by one of the candidate who participated in the selection process complaining certain irregularities in the selection process, this Court feels that the presence of the applicant is necessary for complete adjudication of the dispute involved in this writ petition as applicant has the right to support the panel which has been prepared by the selection authority. Accordingly, his prayer for addition of party is allowed.

2. Let the applicant be added as respondent in this writ petition.

3. The petitioner is directed to add him as added respondent by amending the cause title of the writ petition.

4. Let it be recorded that a copy of the writ petition has been given to Mr. Banerjee, learned advocate representing the added respondent in Court today.

5. Let me now consider the merit of the writ petition. Here is the case where the petitioner has complained that though he had master degree but his master degree was not taken into consideration by the school authority in the process of

selection of suitable candidate for the post in question. As a matter of fact, no marks has been awarded to the petitioner for his master degree by the selection committee.

6. On perusal of the Government Memo dated 10th July, 2002 vide Memo No. 1628-G.A., this Court is of the view that even though an assistant teacher does not enjoy the master degree scale but still then his master degree qualification cannot be ignored by the selection authority, while preparing the panel for the post of assistant Headmaster in a Government Aided Secondary School. As such this court holds that the concerned authority acted illegally by not considering the petitioner's master degree qualification while preparing the said panel. The said panel thus, cannot be retained on record. The selection authority is directed to give credit to the master degree qualification of the petitioner and thereafter recast the panel accordingly so that the said panel can be taken up for consideration by the concerned District Inspector of Schools (SE) on the issue regarding its approval.

7. Such exercise should be completed by the school authority within six weeks from the date of communication of this order.

8. The District Inspector of Schools (SE) is also directed to consider the said panel on the issue regarding its approval thereof within four weeks from the date of submission of such panel by the school authority to him.

9. The writ petition is thus disposed of. Urgent Xerox certified copy of this order, if applied for, be supplied to the learned advocate for the petitioner immediately.