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07.03.
2022
Ct. No.17

WPA 13701 of 2021

Md. Abdul Gani Ansari
Vs.
The State of W. B. & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate
Mr. Firdous Samim
Ms. Gopa Biswas
.....For the Petitioner
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the SSC
Mr. Raja Saha
Mr. Shamim-ul-Bari
.....For the State
Mr. Abhratosh Majumder
Mr. Subhankar Nag
Mr. Jasojeet Mukherjee
.....For the Respondent Nos.8, 10 and 11

The District Inspector of Schools, Murshidabad has filed one report in the form of affidavit affirmed on 7th March, 2022.

The Deputy Director of School Education (Grand-in-Aid) has filed one affidavit affirmed on 4th March, 2022 wherein he has stated that the then Deputy Director of School Education (Grand-in-Aid), West Bengal, vide Memo No. 1338-GA dated 11.07.2018 forwarded those six vacancies, which is a relevant question in this writ application, to the School Service Commission on 12.07.2018.

Learned advocate for the State has submitted that there is some mistake in this affidavit and so he

wants to file one clarificatory affidavit by day after tomorrow.

Learned advocate for the School Service Commission has submitted that he will also come up with the further report in the form of affidavit day after tomorrow i.e. on 9th March, 2022. Such extension of time is granted to the Commission and if such affidavit is not filed by 9th March, 2022, Commission will not be granted any further opportunity to file such affidavit and necessary presumption will be drawn against it.

Here it is also found from the affidavit filed by the District Inspector of Schools that all recommendation letters were issued by the West Bengal School Service Commission on 14.01.2020 and it appears that these recommendation letters were signed by the then Chairman of the Commission Mr. Soumitra Sarkar.

It has been submitted by Mr. Bhattacharyya, learned senior advocate for the petitioner that the then Chairman Mr. Soumitra Sarkar was in his office till 15th January, 2020.

Mr. Abhratosh Majumder, learned advocate appearing for the Respondent Nos. 8, 10 and 11 has submitted that they are appointed elsewhere and not in any school and the allegation of the petitioner that they were appointed in schools is incorrect. Mr. Majumder has submitted that he will file an affidavit

stating that his abovementioned clients are not working in any school and working elsewhere.

However, Mr. Bhattacharyya relying upon a letter of the District Inspector of Schools dated 18.02.2021 has placed before this court that those candidates got appointment letters from the President of the West Bengal Board of Secondary Education on 20.03.2020.

I direct the respondent Nos. 8, 10 & 11 to disclose the names of the organizations where they are working now annexing in the affidavit their letters of appointment which is also to be filed on 9th March, 2022.

Learned advocate for those respondents submits that some more time is required to file affidavit at this stage. I am not granting any such time. However, on 9th March, 2022 they are to come with the letters of appointment showing their engagement in some other organizations.

I direct the then Programme Officer Mr. Samarjit Acharya and the Advisor Mr. Shanti Prasad Sinha and Ex-chairman of the SSC Mr. Soumitra Sarkar to appear before this court on 9th March, 2022 at 2 p.m. when this matter will be taken up again for further hearing.

I direct the learned advocate for the School Service Commission to communicate this direction of personal appearance of Mr. Soumitra Sarkar,

Ex-Chairman of the School Service Commission, Mr. Samarjit Acharya, Programme Officer and Mr. Shanti Prasad Sinha, Ex-Advisor on 9th March, 2022 at 2 p.m. and I also direct the petitioner to communicate this order to the School Service Commission.

I direct the petitioner to add said Mr. Soumitra Sarkar, Ex-Chairman of the School Service Commission, Mr. Samarjit Acharya, Programme Officer and Mr. Shanti Prasad Sinha, Ex-Advisor as party respondents in this matter in the course of the day.

Mr. Majumder, learned advocate has prayed for deleting the names of his clients being Respondent No.8, 10 and 11 to which Mr. Bhattacharyya, learned advocate for the petitioner has raised objection stating that unless their affidavits come before this court and also their appointment letters in other organizations, such deletion should not be made.

After considering the submission of the parties and considering the letter of the District Inspector of Schools dated 18.02.2021 (being Annexure 'P-6' to the writ application), I am not deleting their names today. It may be considered at a later stage of the proceeding.

With this direction the matter is adjourned till
9th March, 2022 when it will be taken up at 2 p.m.

(Abhijit Gangopadhyay, J.)