

Court No. 17

WPA 10789 of 2021

09.07.2021

(DL 2)

(S. Banerjee)

Abhijit Ghosh

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Firdous Samim

Ms. Gopa Biswas

... for the petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Joydeep Banerjee

... for the State

Mr. Kishore Dutt, Advocate General

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the WBCSSC

I have heard the parties extensively.

Learned advocate for the petitioner, led by Mr. Bikash Ranjan Bhattacharya, Senior Advocate, wanted to file one supplementary affidavit showing some discrepancies submitting that again some illegalities have been committed by the West Bengal Central School Service Commission ('the Commission', for short) in the list published on 08.07.2021.

I am not accepting such supplementary affidavit. I am satisfied as to the action of the Commission that the Commission by seven days, i.e., the time granted to it, has published the new list with breakup of marks and with the reasons for not bringing a candidate in the interview list.

There may be different types of grievances of the persons who have not been named in the interview list.

For taking care of the grievances of the candidates whose names have not been included in the interview list, the Commission should make an arrangement for giving a personal hearing to the

candidates who would file a representation individually (not jointly with others). The representation containing the grievance/grievances has to be filed within a period of two weeks from date either through e-mail or by filing a hardcopy in the office of the West Bengal Central School Service Commission. If such hardcopy is sent by post, it must be by speed post or by registered post with acknowledgement due for which the track record of India Post is to be collected and kept by the candidate.

After receiving such representation the Commission will take steps for giving personal hearing to the aggrieved persons individually by officers of the Commission not below the rank of Secretary of the Commission. For this purpose the Government of West Bengal may engage experienced officers (eligible to be appointed as Secretary of the Commission) in the rank of Secretary of the Commission for hearing the representations, and for passing a reasoned order thereon.

Learned Advocate General raised certain points as to giving personal hearing to all the representation making candidates, because there might be thousands of representations before the Commission. But this court thinks that unless an opportunity of face to face interaction is granted to the candidates with the Officer of the Commission, the grievances of the aggrieved persons may not evaporate. In my view, if personal hearing is not given grievance would always be there that the order against the representation had been passed mechanically and without application of mind. To avoid such feeling of the candidates, I have directed the Commission to give the personal hearing. After such hearing is given the Commission will communicate the decision by speed post or by registered post with acknowledgement due to the representation-filing-candidates. The entire exercise including sending of

orders of the Commission to such candidates should be completed by 12 weeks from the date of receipt of the individual representations.

As the Court's order passed on 2nd July, 2021 has been complied with by the Commission within the timeframe, I recall the restraining order put upon the Commission from taking further steps pursuant to the interview list. Now there is no such restraining order on the Commission and the Commission is free and expected to take steps immediately so that recommendations can be made by the Commission to the interview-listed candidates.

Here I want to make a request to the Government of West Bengal and also to the West Bengal Central School Service Commission to consider whether in the next selection test for the Assistant Teachers in Upper Primary Section age relaxation of 5 years can be given to all the candidates who participated in the first State Level Selection Test which was initiated in 2016. In the meantime five years have passed. A large number of candidates may not get any further opportunity to appear in the next selection test for the posts of Assistant Teachers in the Upper Primary Schools if the age relaxation is not given to them. This court hopes and expects that the State Government and the West Bengal Central School Service Commission will consider this aspect of this matter carefully and will take an appropriate decision in this regard.

When I was expressing my mind as to passing this order, learned Advocate General prayed for some time for making further submission on this aspect on an adjourned date which I have not accepted for the reason that this matter is pending for more or less five years and I do not want to keep this matter pending for even a single day.

It is expected that the persons, who knows it better than anybody else that they are not qualified in the first State Level Selection Test, 2016 would not approach the Commission with a representation for hearing their grievances and if that be so and the Commission finds that a representation has been made by a candidate for taking a chance and the Commission is satisfied in this regard, the Commission is granted liberty, in such cases only, to impose costs upon him and realize it as arrears of land revenue from such candidates.

With the observations as above, this writ petition is disposed of.

(Abhijit Gangopadhyay, J.)