

Jugesh Kumar Singh Vs. the State of West Bengal and ors.

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Court : Kolkata

Decided On : Sep-11-2014

Judge : Bench

Appellant : Jugesh Kumar Singh

Respondent : The State of West Bengal and ors.

Judgement :

ORDER

SHEET IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction
ORIGINAL SIDE APO3412014 GA28992014 WP5632014 JUGESH KUMAR
SINGH Versus THE STATE OF WEST BENGAL & ORS.AND APO3422014
GA28932014 WP7222014 JUGESH KUMAR TIWARI & ORS.Versus ASHES
KUMAR TIWARI & ORS.BEFORE: The Hon'ble CHIEF JUSTICE MRS.MANJULA
CHELLUR The Hon'ble JUSTICE BANERJEE Date : 11th September, 2014.

Mr.Bikash Ranjan Bhattacharya, Senior Advocate Mr.Anindya Bose, Advocate for
the appellant.

Mr.Anjan Bhattacharya, Advocate for the respondent no.5.

Mr.Sadhan Roy Chowdhury, Advocate Mr.T.M.Siddiqui, Advocate for the State in
APO3412014.

Mr.Amitesh Banerjee, Advocate Mr.Tapas Ballav Mondal, Advocate for the State in APO3422014.

Mr.Partha Sarathi Deb Burman, Advocate Md.M.Nazar Chowdhury, Advocate for the respondent no.4 in APO3412014 and respondent no.8 in APO3422014.

The Court : The impugned judgment and order is an outcome of two writ petitions filed before the learned single Judge.

WP7222014 was filed by a group of teachers challenging the report of the panel so far as the appointment to the post of Headmaster of Shree Bal Krishna Vithal Nath Vidyalaya.

WP5632014 is filed questioning the very selection process.

He is none other the beneficiary of the selection process.

By a memorandum dated 2.4.2014 the Director of Schools Education (SE).Kolkata requested the Commissioner of School Education, West Bengal, to give instructions in respect of a complaint lodged by Sr.Dilip Chakraborty who is an outsider to the selection process.

In response to the said intimation, the Commissioner of School Education, West Bengal, requested the District Inspector of Schools to cause an enquiry into the affairs of the school and take necessary action with a detailed report to the office of the Commissioner of School Education, West Bengal.

Having regard to the complaint by a group of teachers who were not part of the selection process that they were not given an opportunity to participate in the selection process, the learned Judge opined that the allegation with regard to illegalities of selection process to the post of Headmaster has to be enquired into.

However, the learned Judge directed the Commissioner of School Education, West Bengal, to conduct enquiry instead of District Inspector of Schools.

Aggrieved by this direction, the present appeals are filed by the beneficiary of the selection process.

The main grievance of the appellant is, as per the procedure, the District Inspector of Schools is the authority to conduct the enquiry and the Commissioner of School Education is only an appellate authority, therefore, the direction of the learned Judge deserves to be set aside.

There is no illegality whatsoever in the direction granted by the learned single Judge as both the authorities are vested with the powers to make such an enquiry.

At the most, one stage of litigation that is approaching the appellate authority is dispensed with by directing the Commissioner of School Education, West Bengal, to do the enquiry.

By this process adopted by the learned single Judge, the enquiry is geared up so that the dilemma with regard to the selection process to the post of Headmaster will be decided at an early date.

In the absence of illegality or impropriety in the said direction, we decline to interfere with the said direction as the decision after enquiry to be taken by the Commissioner of School Education is subject to judicial review of this Court.

Accordingly, both the appeals are dismissed, after treating the same as on days list, without any order as to costs.

Consequently, the applications are dismissed.

(MANJULA CHELLUR, C.J.) (BANERJEE, J.) sd/dg.

AR[CR].

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