

*Constitutional Writ*  
*The Hon'ble Justice Jayanta kumar Biswas*  
Judgement on 5.05.2010  
W.P.No.9120(W) of 2010  
Tapan Kumar Ghosh & Ors.  
-vs-  
State of West Bengal & Ors.

**Points:**

DEPARTMENTAL NOMINEE

The District Inspector of Schools has appointed a drawing and disbursing officer. Whether The district inspector of schools can refuse to decide the question of placing the departmental nominee for reconstitution of the managing committee on that ground. **Constitution of India ,Art 226**

**Fact:**

The petitioners are the elected guardian category members of the managing committee .The district inspector of schools was requested to place the departmental nominee. he has not taken any steps on the ground that an election dispute has been raised and the district inspector of schools has appointed a drawing and disbursing officer.

Hence this application.

**Held:**

The district inspector of schools has appointed a drawing and disbursing officer. On these grounds how the district inspector of schools can refuse to decide the question of placing the departmental nominee for reconstitution of the managing committee when the guardian category election has been held and no competent authority or court has made any order restraining the elected members from reconstituting the managing committee. **Para-2**

Mr. A.B. Chatterjee

Mr. Sabyasachi Mukhopadhyay ....for the petitioners

Mr. B.R. Patranabis

Mr. S. Sengupta .....for the state

### **The Court**

The petitioners claim that they are the elected guardian category members of the managing committee that will be reconstituted. Their grievance is that though the district inspector of schools was requested to place the departmental nominee, for undisclosed reasons he has not taken any steps.

2. Counsel for the state submits that an election dispute has been raised, and that the district inspector of schools has appointed a drawing and disbursing officer. I am unable to see how on these grounds the district inspector of schools can refuse to decide the question of placing the departmental nominee for reconstitution of the managing committee when the guardian category election has been held and no competent authority or court has made any order restraining the elected members from reconstituting the managing committee.

3. In view of the above-noted situation I dispose of the petition directing the District Inspector of Schools (SE), Burdwan to decide the question of placing the departmental nominee within three working days from the date of communication of this order. No costs. Certified xerox.

(Jayanta Kumar Biswas, J.)