

06.12.2019
Sl. No. 03
Ct. No. 01
Krishnendu

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

W.P.A. No. 915 of 2019

Milan Mukhia & Ors.
-Vs-
The State of W. B. & Ors.

Mr. Krishnendu Sarkar
Mr. Pritam Choudhury
For the Petitioners

Mr. Subir Kumar Saha
Mr. Ankan Mitra
For the State

Mr. Ayanabha Raha
Ms. Supriya Singh
For the Respds. 2 & 3

Affidavit of service filed by the petitioners be kept on record. Mr. Sarkar, learned advocate appearing for the petitioners informs this Court that deficit Court fees have been paid.

The present writ petition has been preferred, *inter alia*, praying for issuance of necessary direction upon the respondents to approve the appointment of the writ petitioners as permanent assistant teachers in recognized and government aided Junior High Schools under Gorkhaland Territorial Administration (in short, G.T.A.) .

Mr. Sarkar submits that the petitioners were appointed in different schools on diverse dates as

assistant teachers and they are working in their respective schools till date on ad hoc basis.

Drawing the attention of this Court to a memo dated 9th February, 2018 issued by the respondent no.4, annexed at pages 116 and 117 of the writ petition, Mr. Sarkar submits that the petitioners are within the 129 existing ad hoc teachers, as referred to in the said memo and the list of such 129 ad hoc teachers, in which the names of the petitioners also feature, has been prepared by the respondent no. 4. Out of the 129 teachers, more than 100 teachers approached this Court by filing various writ petitions and on the basis of the orders passed in the same, service of the petitioners therein had already been approved. In support of such contention, Mr. Sarkar has produced some appointment letters. Let the said letters be kept on record.

Mr. Raha, learned advocate appearing for the respondent nos. 2 and 3 does not dispute that the petitioners' names had been incorporated in the list of 129 ad hoc teachers, as prepared by the respondent no.4. He submits that steps are being taken to approve the service of the remaining ad hoc teachers.

Indisputably, ad hoc teachers similarly situated with the petitioners have been granted approval and as such the petitioners cannot be denied similar benefits.

Judicial propriety demands that the findings arrived at on the rudiments of similar facts by a co-ordinate Bench should be followed.

In the said conspectus, this Court directs the respondent no. 4 to approve the appointment of the petitioners as permanent assistant teachers within a period of four weeks from the date of communication of this order.

Upon such approval being issued, the respondent nos.2 and 3 shall immediately regularize the service of the present petitioners as regular teachers in terms of the observation of the District Inspector of Schools in memo dated 9th February, 2018.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Photostat certified copy of this order, if applied for, be given to the learned advocates appearing for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)