

S/L. 9.
October 15, 2020.
MNS.

W. P. A 24078 of 2019
(**Via video conference**)

Rajibpur Holy Cross Girls' High School
(HS) and others

Vs.

The State of West Bengal and others

Mr. Sandip Kumar De,
Mr. Amit Chaudhury,
Mr. Abhijit Sarkar

... for the petitioners.

Ms. Chaitali Bhattacharyya,
Ms. Ujani Pal Samanta

...for the State-respondents.

The grievance of the petitioners is that the concerned school, being a Christian Minority Educational Institution, has been sanctioned lesser number of posts for teachers than the school is entitled to.

Learned counsel appearing for the petitioners submits that the State-respondents have wrongly withdrawn the additional number of posts, which should have been granted to the petitioner no. 1/School. Counsel refers to an earlier writ petition filed by the petitioner no. 1 by which a Single Judge of this Court directed the District Inspector of Schools to issue a post-

sanctioning memo within a period of three weeks, which was not complied with by the concerned State-respondents. Counsel submits that contempt proceedings were initiated by the petitioners due to such non-compliance. The immediate prayer is directing the respondent no1/Principal Secretary to consider the representation dated 13th December, 2019, which outlines the grievance of the petitioners.

Learned counsel appearing for the respondents submits that the facts presented are not correct since only two posts were used to be sanctioned in respect of the first petitioner. Counsel submits that there are no governing Rules in this case which would require only the Principal Secretary to consider the representation of the petitioners and that the appropriate authority in this case would be the Commissioner of School Education, who would then send the matter to the Principal Secretary for due consideration.

On hearing learned counsel appearing for the parties, this Court is of the view that in the absence of a specific Rule requiring the Principal Secretary to consider the representation of the petitioners, the petitioners' grievance would be

sufficiently addressed if the Commissioner of School Education (Respondent no. 2) is directed to take up that duty.

W.P.A. 24078 of 2019 is disposed of accordingly in terms of the prayer (a) with a direction on the respondent no. 1, being the Principal Secretary, as well as the respondent no. 2, being the Commissioner of School Education, West Bengal, to dispose of the representation dated 13th December, 2019 upon hearing all concerned parties and pass a reasoned order consequent thereto within 11th December, 2020. A copy of the reasoned order should be given to the petitioners within a week from the date on such order is passed.

Let a website certified copy of this order, if applied for, be made available to the petitioners upon compliance of requisite formalities.

(Moushumi Bhattacharya, J.)

