

Item No. 26

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

18.9.2020
Ct-13

W.P.A. 6572 of 2020
Bhuan Khanal & Ors.

v.

The G.T.A. & Ors.

with

IA No. CAN/1/2020
(Old No. 5355/2020)

Mr. Biswaroop Bhattacharya
Mr. Pritam Choudhury
... for the petitioners.

Mr. Rajdeep Majumdar
Mr. Moyukh Mukherjee
... for the respondents.

Petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference. Court fees shall be paid in respect of thirteen petitioners.

The petitioners were engaged as casual primary teachers on contractual basis by the Secretary, Department of Education, Darjeeling Gorkha Hill Council and they are serving in their respective schools for a considerable period of time.

The Gorkhaland Territorial Administration in a meeting conducted on 02.02. 2016 resolved that the services of the ad-hoc teachers are required to be regularized for better and effective functioning of the institution.

The petitioners submit that they have got the requisite educational for being regularized in service.

The petitioners rely upon the unreported order dated 24.01.2020 passed by a Co-ordinate Bench of this Court in WPA 933 of 2019 (Upesh Tamang & Ors. vs. State of West Bengal & Ors.) wherein under similar circumstances the Court directed the respondent authority to take a reasoned decision with regard to the prayer of the petitioners.

The affidavit-in-opposition which was filed by the Gorkhaland Territorial Administration in the matter of Upesh Tamang & Ors.(supra) mentions that the Gorkhaland Territorial Administration had accepted ad-hoc Assistant Teachers and approved their appointments.

Since the petitioners lie on the same footing, similar direction is passed in the instant case.

The District Inspector of Schools, Primary Education, Gorkhaland Territorial Administration, being the respondent no. 3 herein is directed to consider the prayer of the petitioners for regularization of their services, strictly in accordance with law, within a period of four months from the date of receipt of the representation to be made by the petitioners.

The said respondent shall pass a reasoned order and communicate the same to the petitioners within a fortnight thereafter.

The petitioners are directed to file a comprehensive representation annexing all the

documents in support of their case, within a period of ten days.

In the event, the said respondent is of the opinion that the services of the petitioners may be approved, in that case the Principal Secretary, Gorkhaland Territorial Administration shall take necessary consequential steps.

It is made clear that this Court has not gone into the merits of the claim raised by the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioners.

The writ petition being W.P.A/6572/2020 and IA No. CAN/1/2020(Old No. 5355/2020) stand disposed of.

Affidavit-of-service filed in Court today be kept on record.

Urgent xerox certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(**Amrita Sinha, J.**)