

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 353 of 2020

Anup Rai
-versus-
The State of West Bengal & Ors.

Mr. Partha Pratim Sarkar
.....for the petitioner.
Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman
.....for the State.

The petitioner was appointed as an Assistant Teacher (volunteer basis) in Arts [subject – Geography (Social Science)] in Dhajia Higher Secondary School on and from 1st August, 2013. The petitioner claims that he was appointed against a sanctioned vacant post by way of regular selection process maintained by the then Darjeeling Gorkha Hill Council.

The fact remains that after promulgation of the School Service Commission Act, 1997, appointment of assistant teachers in any Government aided or D.A. aided school is through the regional test conducted by the West Bengal School Service Commission. Moreover, it is an admitted position that the petitioner was appointed on volunteer basis and not on a regular basis.

Be that as it may, in view of an order passed in the Circuit by a coordinate Bench on 27th August, 2019 in WPA 268 of 2019, I dispose of the writ petition by directing the respondent no.4 to consider the representation dated 6th January, 2020 made by the petitioner, being Annexure – ‘P-4’ to the writ petition within a period of six weeks from the date of

communication of a server copy of the instant order. The said respondent shall give a personal hearing to the petitioner and pass a reasoned order, which shall also be communicated to the petitioner immediately after the same being passed.

Passing of this order directing the respondent no.4 to give a hearing as to the representation shall not create any equity in favour of the petitioner.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as early as possible.

(Arindam Mukherjee, J.)