

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

08 **27.02.**
sm **2020**

W.P.A. 429 of 2020

Kaziman Lohar & Ors.

Versus

**The Gorkha Land Territorial Administration
& Ors.**

Mr. Biswaroop Bhattacharjee,
Mr. Pritam Choudhury.
.....for the petitioners.

Mr. Ayanabha Raha.
....for the respondent no.1, 2 & 3.

Affidavit of service be taken on record.

Deficit Court Fees in respect of the petitioners
have been paid by filing no.A-99 dated 27th February,
2020.

The petitioners are the Teacher-in-Charge of the
respective schools under the Gorkhaland Territorial
Administration. The District Inspector of Schools
(SE),GTA Darjeeling vide an Office Note dated 26th
July, 2018 mentions that out of 129 number of High
and Higher Secondary schools, 87 of such schools
have been running under the administrator/Teacher-
in-Charge since 1998. The Note records that since
long the appointment of Headmaster is pending. The
School Service Commission Recruitment Rules is
defunct in the Hill area of Darjeeling and the
Gorkhaland Territorial Administration is the supreme
authority in the matter. It records that all the Teacher-

in-Charge possessed the requisite qualification for Headmaster and is serving satisfactorily for more than 15/20 years.

The District Inspector of Schools was of the opinion that the Gorkhaland Territorial Administration authority may take an appropriate step so that the Teacher-in-Charge can be favoured with appointment of Headmaster as early as practicable.

The petitioners submit that they are serving in the schools for a considerable period of time and they possess the requisite qualification for being appointed as Headmaster/Headmistress of the schools.

The petitioners pray for necessary direction upon the concerned authority for appointing them as Headmaster/Headmistress and for necessary approval of their appointment.

The petitioners rely an unreported order dated 6th December, 2019 passed by a Co-ordinate Bench of this Court in WPA 917 of 2019 (Mahendra Chettri & Ors. -Vs- State of West Bengal & Ors.), wherein on similar facts the Court directed the Principal Secretary, Department of Education under the Gorkhaland Territorial Administration to take a decision in the matter and pass a reasoned order within the time frame as fixed by the Court.

The petitioners pray for similar orders to be

passed in their case.

The petitioners have also placed the order of approval of appointment in respect of the petitioners in the aforesaid writ petition being WPA 917 of 2019 in support of their contention that the respondents have complied the direction passed by the Court and has approved the appointment of the petitioners therein as Headmaster/Headmistress of the respective schools.

The learned advocate appearing on behalf of the respondents submits that the respondents have already acted in accordance with the direction passed by the Court in WPA 917 of 2019 and in the event direction is passed by the Court in the instant matter the respondents will take necessary steps.

In view of the submissions made on behalf of the parties the instant writ petition is disposed of by directing the Principal, Department of Education, Gorkhaland Territorial Administration to take a decision with regard to the Note forwarded by the District Inspector of Schools (SE), GTA Darjeeling vide Office Memo No.1015/SE dated 26th July, 2018 and consider the case of the petitioners for being appointed as Headmaster/Headmistress of the respective schools, after giving an opportunity of hearing to the petitioners or their authorized representative for production of the necessary records in support of their contention. The said respondents shall pass a

reasoned order in the matter within a period of six weeks from the date of communication of a copy of the order and shall communicate the same to the petitioners within a fortnight thereafter.

In the event the approval is granted by the Principal Secretary, the concerned District Inspector of Schools, GTA Darjeeling shall take necessary consequential steps in the matter.

WPA No.429 of 2020 is disposed of.

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

(Amrita Sinha, J.)