

06.03.2020
DC.

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

WPA 604 of 2020

Naresh Tamang & Anr.
-versus
State of West Bengal & Ors.

Mr. Sanjay Mazumder
Ms. Sukanya Adhikary
Mr. Gautam Kr. Gupta
... For the petitioners

Ms. Supriya Singh.....for GTA

Ms. Paramita Sahu.....State

The writ petitioner No. 1 was appointed as Assistant Teacher on 01-07-1993 in Goke High School, Darjeeling. The writ petitioner No. 2 was appointed as Assistant Teacher on 06-08-2015 in R.K.S.P. Boy's H.S. School, Darjeeling. Thereafter petitioner No. 1 was appointed as Teacher-in-Charge of the Goke High School, Darjeeling on 01-06-2009 by the respondent No. 4 and the petitioner No. 2 on 06-08-2015 was appointed as Teacher-in-Charge of the R.K.S.P. Boy's H.S. School, District Darjeeling by the respondent No. 4. They espouse a common cause in the instant writ petition. Sufficient Court fees paid. The petitioners claim that they were appointed against a sanctioned

vacant post by way of regular selection process maintained by the then Darjeeling 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 Service Commission. The writ petitioners have been, however, appointed prior to the 1997 Act coming into force.

It however, appears that no rules have been prescribed for appointment of teachers to schools under the said Administration nor have the rules applicable for selection of such Assistant teachers being extended to schools under the GTA by a government notification.

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. 2 to consider the case of the petitioners within a period of six weeks from the date of communication of a server copy of the instant order by treating the writ petition a their respective representations.

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

The writ petition is disposed of accordingly.

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

(Arindam Mukherjee, J.)