

19.03.2021

ss

W.P.A. 4094 of 2021

Sasadhar Naskar & anr.
Vs.
State of West Bengal & ors.

Mr. G. C. Das
Mr. K. C. Sahoo
Mr. Sandip Kr. Mondal
... for the Petitioners

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
... for the State

Mr. Himadri Kumar Mahata
... for the respondent no.7

Mr. Ziaul Haque
... for the respondent no.6

Upon hearing the learned Counsel for the parties, I am of the view that the decision of the Managing Committee of the school in question taken on 19th January, 2021 selecting and appointing the respondent no.6 as teacher-in-charge is not in consonance with the Rules and the judgement passed by this High Court. It is clear that the respondent no.6 is not the senior-most teacher in the said school while the petitioners are the senior-most teachers in the school.

Counsel for the petitioner relies on a decision in the case of **Mityl Chakravorty & ors. Vs. State of West Bengal & ors.** (WPA 78 of 2021) to buttress his argument.

I agree on the judgement cited and accordingly, I set aside the resolution dated January 19, 2021 so far as it

relates to selection of the respondent no.6 as teacher-in-charge and in the event the concerned District Inspector of Schools (S.E.) has granted approval to the resolution passed by the Managing Committee on 19th January, 2021, the same is also set aside and quashed.

Accordingly, the Managing Committee of the Baribhanga Bamancharan Vidyapith (H.S.) being respondent no.7 is directed to decide afresh on the issue of teacher-in-charge and forward the resolution to the concerned District Inspector of Schools (S.E.) for approval in accordance with law within a period of two weeks from date.

I make it cleat that opportunity must be given to all the teachers as per the Rules to apply to the post of teacher-in-charge.

With the above observations, this writ petition is disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)