

20.12.2021
SL No. 35
Court No. 24
(P.M)

WPA 18022 of 2021

**Kutubul Alam Sarkar
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Timir Baran Saha,
Mr. Prabir Majumder
... for the petitioner.

Md. Sarwar Jahan,
Sk. Nayeemul Haque
... for the respondent No. 2

Mr. Raja Saha,
Mr. Shamim-ul-Bari
... for the State

The father of the petitioner was an Assistant Teacher of a primary school. He was declared permanently incapacitated on 12th October, 2010. His son that is the petitioner herein applied for being appointed on compassionate ground to the post of Primary School Teacher within two years from the date of incapacitation.

The Commissioner of School Education by communicating memo dated 31st May, 2019 expressed inability to appoint the petitioner as primary school teacher due to lack of Teachers Training and the certificate of the Teacher Eligibility Test in terms of the Provisions of the Right of Children to Free and

Compulsory Education Act, 2009 and subsequent amendments made thereto.

The petitioner submits that his case may be considered for being appointed as a Group-D staff of a High School.

The petitioner accordingly made an application before the District Inspector of Schools, Primary Education, Murshidabad by a letter dated 6th September, 2021. The said representation was received by the District Inspector of Schools on 13th September, 2021. The petitioner complains that the same has not been considered till date.

It appears from the representation filed by the petitioner that he sought appointment as an Assistant Teacher. The same is impermissible as the petitioner does not have the requisite qualification for being appointed as a teacher.

Accordingly it will be open for the petitioner to apply before the appropriate authority praying for an appointment commensurate to his educational qualification.

In the event, an application is made by the petitioner then necessary step shall be taken for consideration of the same in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)