

22.03.2021

Ct. No.13

Sl. No.13

akd

**W.P.A. 29032 of 2017 [via video conference]
CAN 1 of 2021**

[Sukuram Mardi -Vs- The State of West Bengal & Ors.]

Mr. Srijib Chakraborty

Mr. Abdur Rakib

Mr. Biswajit Sarkar

Mr. Parashar Baidya

... .. for the petitioner

Md. Talay Masood Siddiqui

... .. for the State

The writ petition has been filed seeking permanent engagement as an Assistant Teacher in implementation of Memo No.2485-G dated 18th August, 2017 issued by the District Inspector of Schools (SE), Murshidabad.

The brief facts are that in respect of Chordighi Junior High School at Sagardighi Block and Pakhiradanga Junior High School at Nabagram Block, the school education department has granted recognition. However, adequate number of teachers, imparting education in 'Alchiki' and other Santhalee languages, were not available. Five persons including the petitioner were found to be rendering service voluntarily as teachers. The petitioner was being paid honorarium for such voluntary teaching service.

Coordinate Benches have passed orders directing release of honorarium for periods not granted to the petitioner. Honorarium for November and December, 2017 respectively has been released as recorded in the order dated 15th January, 2018.

This Court is of the view that it is indeed difficult to get people competent to teach in 'Alchiki' and other Santhalee languages, in West Bengal. The petitioner has been imparting education in the Alchiki language.

In these circumstances, this court is of the view that the petitioner's engagement ought to continue at Pakhiradanga Junior High School at Nabagram Block. Since the petitioner admittedly, is continuously teaching since 2013, he shall be entitled to all and every arrear of remuneration for the entire period from 2013 till date, less any sums already paid to him.

In view of the fact that the petitioner is also functioning as teacher-in-charge and there is no other person to man the school, the honorarium payable to the petitioner shall be equal to that of a teacher-in-charge. The arrears shall be paid in the scale at par with that of a teacher-in-charge.

The arrears of remuneration shall be released to the petitioner within a period of two months from the date of communication of a copy of this order. In addition thereto, the writ petitioner shall continue to be engaged and shall function as a teacher in the said school, until a formal recruitment process is undertaken by the State in terms of the applicable Rules therefor.

In the event of any advertisement, the writ petitioner shall be entitled to participate in any recruitment process and his age shall not stand in the way for the aforesaid purpose.

This Court makes the aforesaid exception in view of the fact that there are hardly any teachers available within the State to impart education in Alchiki and other Santhalee languages. It

is avowed object of the State to promote education in these tribal languages. The object and purpose being to bring such people into the mainstream of the Indian society.

With the aforesaid observations, the writ petition is disposed of.

In view of disposal of the writ petition, the connected application being CAN 1 of 2021 is also disposed of.

This Court records appreciation for the stands taken by Mr. T. M. Siddiqui, learned advocate appearing for the State.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)